

SPEECH

OF

MR. SLADE, OF VERMONT,

ON THE ABOLITION OF SLAVERY AND THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA.

DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE U. S.

DECEMBER 20, 1837.

TO WHICH IS ADDED THE INTENDED CONCLUSION OF THE SPEECH,

SUPPRESSED BY RESOLUTION OF THE HOUSE.

The question being on the motion made by Mr. SLADE, on the 18th of December, to refer to a select committee the memorial of Isaiah Stokes, and two hundred and ninety-two other men, and Rachel Franks, and three hundred and four other women, of Starksboro and its vicinity, in the State of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia:

Mr. SLADE said, that, as the memorial which he had had the honor to present, contained merely a prayer for the abolition of slavery and the slave trade in the District of Columbia, unaccompanied by arguments in its support, he felt called on, as the representative of the memorialists, to state, in their behalf, the grounds on which he understood the prayer of the memorial to be founded.

Mr. S. said he approached this subject with great hesitation and embarrassment. He felt admonished by every thing he saw around him, that it was exceedingly unpleasant to a large portion of the house. He had seen at the present session, as on former occasions, a manifest determination to suppress all debate upon it. It had been treated as a prohibited subject—as one on which it was *unlawful* to speak. Nothing would satisfy a portion of the house, but silence—absolute silence—both on the part of the people and their representatives.

It was not so, Mr. S. said, on other subjects. Our sessions are opened by the appointment of numerous committees, to whom are assigned various duties, corresponding with the vast range of subjects within the competency of our legislation. The people send their petitions; their representatives rise in their places, from day to day, and present them. They are listened to and referred; and, thereupon, quietly pass to the appropriate committees for examination.

But, among all the matters that concern the people whom we represent, there is one thing they must not even pray for. They must not pray that 7,000 human beings, who are, by the laws of the United States, held as *property* in this district, over which congress has an exclusive right to legislate, shall cease to be thus holden, and be taken and deemed as *men and women*, to all intents and purposes. For this, they must not pray. It is true, we receive their petitions; but the moment it is discovered that they touch this subject they are laid on the table, and nailed there, quicker than I can describe the operation. It is wonderful to observe its rapidity. As soon as it is announced that there is any thing about slavery and the slave trade in a petition, up starts a gendarm over the way, and before he gets on his feet, the speaker anticipates his motion and announces it; and, forthwith, the petition is on the table, and the nail driven! This process has been repeated so often, that it has come to work with the precision of machinery.

Sir, I am astonished at this. I am amazed that a question so deeply affecting the honor of this nation, and so strongly identified with the great principles of human freedom, should be thus smothered by us; and especially, when it is pressed upon our consideration in respectful memorials from the people who sent us here. We sometimes talk about the *sacred right* of petition. But what is it worth, if petitions and petitioners may be thus disposed of? We may keep up the form of receiving petitions; but it will be, to all practical purposes, a mere mockery—a studied and cruel contempt of the interests and feelings of the people.

Whose government is this? And who are we? Are we servants? or are we masters? Sir, the people, of whom these petitioners form a part, made this government. It is theirs—not ours. They have constituted us their servants; and the powers with which we are invested are given us for the due administration of their government—in adjusting the powers of which, they have expressly reserved to themselves the right to lay before us their petitions—that is, the right of *telling us what they want*.

And now, shall we, the representatives and servants of the people, tell them that their petitions shall not be so much as considered, or even read? Can there be, in principle, a greater outrage on their rights than this? *Not listen to and consider the requests of the people?* and that, too, with the constitution in our hands, and professions of regard for the people's rights continually on our lips?

Sir, we ought to stand confounded when we look at this. I speak plainly, but I speak truly. The whole course of our proceedings, touching the subject of slavery, during the present congress, thus far, and during the whole of the last, bears me out in what I say. I fearlessly appeal to this house, and to this nation, for its justice and its truth.

And what a contrast is exhibited between our course on this great question of slavery, and that of the government of Great Britain on the same subject. Long, long did the philanthropists of that country urge upon parliament their earnest remonstrances against the continuance of the slave trade, and, afterwards, their petitions for the abolition of slavery: and they urged them until they were successful. But when was it heard, during the whole of this time, that the humble petitions of his majesty's subjects were laid upon the table, in contempt of their prayer, and with a determination not to consider them? Never—no, never. Sir, the blush of honest and manly indignation would have mantled the cheeks of every member of the British parliament upon suggestion of doing what has been repeatedly done here.

Mr. WISE here interposed, and said, if he had understood the gentleman from Vermont, he had intimated that there had been some preconcert or understanding

between the speaker, a slave-holder, and him, (Mr. Wise,) and other slave-holding members, with regard to the mode in which these petitions should be disposed of. He said that, once for all, he would say, that there was no such concert. On the contrary there was a total want of concert among slave-holding members on the subject. And as to the promptitude of the chair in anticipating such motions, before they were completely uttered, he would do the speaker the justice to say, that never had a word, or an intimation, passed between the chair and any southern gentleman in relation to these matters.

Mr. SLADE resumed. He disclaimed any personal imputation, either on the gentleman from Virginia, or the speaker. The gentleman from Virginia had generally moved the laying on the table; and it had come to be so well understood by the speaker, that he would do it whenever one of these petitions was announced, that he was in the habit of anticipating the motion, before the gentleman had uttered it. This promptitude of the speaker was proper enough, and arose, doubtless, from a desire to save time. He had not alluded to this matter for the purpose of making it a subject of personal charge against any body; but to show the *actual working* of the system, by which the *quietus* was regularly given to these memorials.

Mr. DAWSON, of Georgia, here interposed, and called on Mr. Slade for an explanation of the remark he had made, that the course pursued in relation to these memorials would have mantled the cheeks of the members of the British parliament with honest indignation. Did the gentleman from Vermont mean to charge, that he, Mr. D. had ever so acted in this matter, as would mantle the cheek of an honest man with indignation, either in parliament, or any where else?

Mr. SLADE said he meant to give application to the remark, no farther than the language itself implied. The gentleman had been one of those who had frequently moved to lay the memorials on the table. But he imputed, neither to him nor others any improper motives in doing so. They doubtless acted from upright motives. But if this course had been taken in the British parliament for the purpose of fastening the petitions to the table, and refusing the petitioners a hearing, he meant to say, what he must still say, that it would have produced the effect he had described.

Mr. S. proceeded to say, that, notwithstanding the course of measures here, the effect of which was to smother these petitions, he must say, once for all, that the voice of the people was not thus to be suppressed. The petitioners, (said Mr. S.) whose memorial I have presented, and whose memorials I have yet to present, have not moved in this matter from sudden impulses of feeling. It is not the blaze which flashes one moment, and goes out the next. No sir. The claims of humanity have a deeper and more enduring hold on their feelings. They have read much on the subject of slavery, and reflected more. They know something of the history on 1st of the institution in other countries. They have explored the foundations on which it rests, and fixed a strong and steady grasp on its fundamental principles. They act, therefore, in this matter from deliberate and settled convictions which cannot be lightly abandoned.

Sir: I want you should understand these constituents of mine, whose memorials I have presented, and in whose name I speak. They entertain no feelings of hostility towards slave-holders. They threaten them with no force. It does not even enter their imaginations. Their only weapons are *truth* and *reason*. They aim to convince—not to intimidate. The bounds which limit their constitutional rights they perfectly understand. They have not passed them—they will not.

It is because they stand on *such* ground, that they stand firmly. It is because they are impelled by such motives, and look to results the noblest, and the sublimest that can affect the condition and destiny of man, that they will steadily and patiently endure to the end.

Now, sir, if it is calculated that this spirit is to be suppressed by *gag* law here, or *mob* law elsewhere, it is done under a delusion which should be dispelled immediately. You may, indeed, silence for a moment the voice of truth in *this hall*; but it will be only to give it deeper and louder tones elsewhere. You may destroy the freedom of debate here, but you cannot destroy the freedom of thought, and of speech, and of the press, elsewhere. The spirit of free inquiry is not to be thus subdued. It is rising, and it will continue to rise, under the pressure with which you vainly think to crush it. You may reason with these people, and if your arguments are sound, you may convince them; but they are the last people on earth whom you can convince by turning your backs, and shutting your doors in their faces.

Sir, this great question must be met; not by *threats*, but by *discussion*—not by *force*, but by *argument*. The eyes of the world are upon us; and we must meet our responsibility to its enlightened and impartial judgment.

Mr. Speaker: one great purpose I have in addressing the house, is to intreat it to change its policy in regard to this subject. Let the questions involved in these memorials be met, directly and fairly. Let the memorials be referred to a committee; and as there are important facts, not fully before the public, connected with the slave trade here, let the committee have power to send for persons and papers. Let facts be drawn forth and embodied. Let there be a report—or *reports*, if the committee disagree. Let the subject be referred to a committee of the whole on the state of the union; and then here, on this floor, in the face of this nation and the world, let us *reason together* concerning this matter. Are gentlemen afraid to do this? Will not slavery and the slave trade, in this district, bear examination? Must truth and reason and justice invoke the aid of *GAG LAWS* for their protection?

Mr. Speaker: I wish I could indulge a hope that the course I have thus suggested, would be adopted. Could I feel any such assurance, I would gladly take my seat, and not utter another word. I do not covet the privilege of addressing the house on this subject. I know I cannot do it without incurring censure, even from men whom I have been permitted to call my friends—which I would gladly avoid. But, sir, I am admonished by what I have seen here, during the present session, as on former occasions, that taking my seat will be the signal for another motion to lay on the table; and thus the people, whose memorial I have presented, will be deprived of the hearing to which I consider them justly entitled. I have, therefore, no alternative but to speak. I cannot desist—I must not—I will not.

WHAT IS SLAVERY?

This memorial, Mr. Speaker, asks for the abolition of *slavery* and the *slave trade* in the District of Columbia. In considering this subject, the first question which naturally presents itself is—*what is slavery?* This question I propose now to answer.

[The Chair here interposed, and observed that Mr. S. could not discuss the merits of the memorial on a mere motion for its commitment. The question before the house was the question of commitment alone; and to that Mr. S. must confine his remarks. The motion for commitment had been accompanied with no instructions: had it been, the whole field would have been opened.]

Mr. SLADE submitted to the decision of the chair, and forthwith modified his motion for the commitment of the memorial to a select committee, by adding "*with instructions to report a bill abolishing slavery and the slave trade within the District of Columbia.*"

Mr. Wise inquired whether the motion, thus modified, must not lie over one day?

The CHAIR replied that the memorial having been received, and the motion entertained for its reference to a committee, such would not be the case.

Mr. SLADE was about to resume; when

Mr. LEJARE, of South Carolina, asked leave to say a word.

Mr. SLADE pausing—

Mr. LEJARE, of South Carolina, said he wished to implore the gentleman from Vermont, solemnly to consider what he was doing. He implored him, for the sake of his own constituents, for the sake of those of Mr. L., and for the sake of the country, to pause and reflect before he took another step, on the ground before him. He did this, not because his constituents authorized him to hold any such language; but he spoke as an American citizen. If it were true, as the gentleman had said, that a spirit had been awakened on this subject which could not be suppressed, he would assure him that it would encounter another, elsewhere, to the full, as stubborn and invincible. Mr. L. said that this discussion was fraught with the most tremendous consequences to the whole country—that it involved the hopes and destinies of a continent—a world. He would tell the gentleman from Vermont, that he had had occasion to look at the question of slavery, in as deliberate and philosophical a manner as the gentleman had proposed it should be examined in a committee; and he had come to the conclusion, that neither in the New Testament, nor in the history of the church and of the christian world, for at least 1,200 years after Christ, was *one word* to be found which could be fairly construed into a prohibition, nay, nor even a disapprobation of the relation between master and slave; (though all, or very nearly all, the servants then in the world were slaves;) still less, which justified a christian man in disturbing the peace, and endangering the order of society, with a view to abolish it; that the allegation of any such authority revealed an ignorance of the teachings of the gospel, equalled only by the absence of its spirit which accompanied it; and that he would undertake, if he had leisure for such discussion, to show, in a proper place, that both in the writings of heathen antiquity, and in the monuments of the christian religion, beginning with the gospels, while nothing can be found against slavery, much may be found to justify or require a community of goods; much against property: still more against war; which, nevertheless, no christian man regards as a crime. But, Mr. L. said, he was not sent here to discuss such things, and he would not discuss them. Nor had his constituents sent him here to listen, from day to day, to the most worn out common places, brought up and reiterated in his ears—to hear all that was vital to the safety of their fire-sides, and the very structure of southern society vilified as an offence against God and man. Not only was it wearisome and disgusting, beyond endurance, but he trembled at its obvious political results.

Mr. SLADE resumed, when

Mr. DAWSON asked for the floor:

Mr. SLADE asked for what purpose?

Mr. DAWSON: to move an adjournment.

Mr. SLADE: I cannot yield it for that.

Mr. LEJARE rose, and apologised for having said more than he had at first intended, when he asked Mr. SLADE's indulgence to yield the floor for a moment. His ardor had led him beyond what he had intended.

Mr. SLADE said he could appreciate the gentleman's feelings on this subject, and he respected, though he could not sympathise with them. He would, with great pleasure, yield to his request in any matter merely personal; but, in this case, he felt bound by his duty to his constituents, to present their views on this subject; and he must discharge that duty. He then proceeded:

I was, Mr. Speaker, when interrupted, proceeding to answer the question—*what is slavery?*

And let me say, in the first place, that it is not merely the condition of being held to service. I have heard it spoken of here, as "*domestic servitude*." But is not the child held in "*domestic servitude*" to his parents, during his minority? And is he a slave?

[Here Mr. DAWSON again interposed, and asked Mr. SLADE to yield him the floor for the purpose of moving

an adjournment. Mr. SLADE declined, and again proceeded.]

D'you, Mr. Speaker, see a slave in the person of an apprentice, who drudges in the service, it may be, of a very severe and unreasonableness master? Is the soldier a slave, though he is subjected to a control of a most summary and despotic character?

In all these relations, there is the right of a very absolute command, and the duty of very implicit obedience; but there is no slavery.

Nor is it to be found within the walls and grates of a penitentiary. Its inmates may be laboring with manacles on their feet, and the ministers of the law at their backs,—while the slave is shut up, unsuited to labor, within the enclosure of a slave factory; and yet there is a difference in favor of the convict, as wide as the anipodes.

Nor is the entire deprivation of *political rights*, slavery. Even the excruciations and oppressions of a very arbitrary and tyrannical government may fall far short of it.

What, then, is slavery?

The most perfect definition of it may, doubtless, be found in the slave-laws of those communities where it exists in its greatest perfection; and where its principles may be supposed to have been the most deeply studied, and thoroughly understood. The gentleman from South Carolina (Mr. LEJARE) will, therefore, pardon me, if I go to the laws of his own state for authority in this matter. The law of South Carolina thus lays down the principle: "*Slaves shall be deemed, held, taken, reputed and adjudged in law, to be CHATTELS PERSONAL in the hands—*

M. WISE here interposed, and appealed to the chair. The gentleman from Vermont, he said, was discussing the question of slavery within the states, when his motion was to refer a memorial for the abolition of slavery within the District of Columbia. He was plainly treading on ground held by all to be inviolable.

The CHAIR said that it was not in order to discuss the subject of slavery within any of the states.

Mr. SLADE denied that he was doing so. He was seeking for a *definition of slavery*—not discussing the question of its abolition in the states. That was a question he did not mean to touch. He did not claim, nor did the petitioners claim, any right in congress to interfere with slavery in the states. But may I not, said Mr. S., go to the state laws to find what slavery is? It is not, I believe, pretended that it is different here, where we have a right to abolish it, than in Carolina. I might, certainly, refer to the laws of Virginia and Maryland to determine what slavery is in this district, since the laws now in force here, on this subject, are the laws which existed in those states at the times of their cessations of the district to the United States—having been adopted by act of congress, in the year 1801.

I go, Mr. Speaker, to the statutes of South Carolina, and other slave-holding states, with no other view than I would quote from Webster's dictionary, or refer to a British authority, on the subject. I want to find out what slavery is, according to the best authority. It is very important that we should have clear and well defined ideas on this subject.

Mr. ROBERTSON, of Virginia, here moved that the house adjourn.

The CHAIR pronounced the motion out of order while a member was in possession of the floor, and addressing the house. He would, however, suggest to the gentleman from Vermont, who could not but observe the state of the house, to confine himself to the subject of his motion.

Mr. SLADE said he would endeavor to keep within the rules of order.

Let me, then, said Mr. S., begin this definition of slavery again:

"Slaves shall be deemed, held, taken, reputed and adjudged, in law, to be *chattels personal*, in the hands of their owners and possessors, and their executors, ad-

ministrators and assigns, to all intents, constructions and purposes whatsoever."

"This is slavery in South Carolina. Let me now turn to Louisiana.

"A slave, (says the civil code of that state, art. xxxv,) is one who is in the power of a master, to whom he belongs. The master may sell him—dispose of his person, his industry, and his labor. He can do nothing, possess nothing, nor acquire any thing, but what must belong to his master."

Judge Stroud, in his sketch of the laws relating to slavery in the several states, says—"the cardinal principle of slavery—that the slave is not to be ranked among sentient beings, but among things—is an article of property, a chattel personal, obtains as undoubted law, in all these states."

What Judge Stroud says is "undoubted law in all these states," is undoubted law in this district—This, I presume, no one will undertake to deny.

Here, then, is slavery. It is the holding of MAN—the whole of man—as property. Think of that, Mr. speaker! Let the dreadful idea, for one moment, take full possession of your mind—Property in man! Why, sir, what possible wrong can be inflicted by man upon his fellow man, which may not legitimately result from this relation? Nay, sir, is not the very act of holding man as property, itself among the highest wrongs that can be inflicted on him?

And reflect, sir, upon the nature of the being that you thus reduce to the condition of property? It is MAN—your BROTHER!—Man, with an intelligent, immortal spirit—Man, allied to angels—Man, made in the image of the Almighty—Man, in a peculiar and exclusive sense, the property of the great Jehovah.

FOUNDATION OF THE RIGHT OF PROPERTY.

What, sir, is the foundation of the right of property? Is it not a grant, expressed, or implied, from the great original Proprietor? Nothing can give a higher title than creation; and, as man is the noblest work, so is he, in the highest sense, the property of the Creator.

Now, sir, show me the grant of a right of property in men. Every thing else is granted. There is nothing upon earth, that can be rightfully held as property, the dominion over which, is not the subject of express grant from the Creator. Read the sublime description of the creation in the first chapter of Genesis. Having given being to the vast universe of matter, swarming with animal life, and bearing on every part the impress of a wisdom and a goodness infinite, the Almighty, with a solemnity which announced the dignity and importance of the work with which he was about to crown the whole, said—

"Let us make MAN, in OUR IMAGE, after OUR LIKENESS."

And what relation was this wonderful being—the image and likeness of the Creator—to bear to his other works? Hear what follows:

"And let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth."

These solemn annunciations were forthwith followed by the final work. Man was made! And so deeply did inspiration impress upon the mind of the sacred historian a sense of the dignity of his nature, that the annunciation by the Creator of what he was to be, is twice repeated, in the description of what he is.

"So God created man in his own image; in the image of God created he him."

And now comes the grant. It had been announced: it is now made.

"And God blessed them. And God said unto them, be fruitful, and multiply and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth."

I have thus shown, Mr. Speaker, the foundation of all

man's title to property. And now I repeat the question—where is the grant of a right to man, to hold property in his fellow man? Sir, it does not exist—it never did exist—it never can exist. The whole claim is founded in usurpation. Yes sir, a double usurpation—of man's right in himself, which results from the very constitution of his nature, and of the high prerogative of the Author of that nature himself.

SLAVERY AND ACCOUNTABILITY.

But, sir, the claim of property in man is not only without grant, and in defiance of Heaven's prerogative of ownership, but it strikes, directly, at man's accountability to the Creator. From the relation of ownership by one man, and absolute property in another, there naturally results a control, inconsistent with accountability to any other Being than the owner. Slavery thus seeks to sunder the moral relation of the slave to his Maker, and to invest frail man with the prerogative of Supreme Lawgiver and Judge.

And then, too, contemplate the slave in connexion with the various relative duties connected with man's social existence—those, for example, which result from the DOMESTIC CONSTITUTION, which forms the basis of the social edifice, and without which it would tumble into ruins, and the world become a bedlam and a hell. What are the domestic relations to the slave? How can the appropriate duties of any one of them be discharged by him? How, for example, can children obey their parents? How can parents discharge to their children the duties which nature prompts, and God enjoins? How can husbands protect, and enjoy, the dearest and holiest relation upon earth, or wives fulfil the sacred duties resulting from their marriage vows? Let the husbands and the fathers who hear me, answer these questions.

"PART OF MANKIND MADE TO BE SLAVES."

Mr. Speaker: custom has thrown round this subject of slavery a strange, unaccountable delusion. While a reference to the acknowledged Source of all human rights, most conclusively proves that man has no just claim to property in man; we, nevertheless, shut our eyes to the blazing light of this truth, and fly to maxims drawn from the very oppressions which it condemns. How deep, for example, is the impression which custom has made upon the minds of many, that a part of mankind are made to be slaves to the rest.

Mr. PETREKIN, of Pennsylvania, here called Mr. Slade to order.

THE CHAIR said that the question before the house opened a wide field of discussion, and that Mr. Slade was in order.

Mr. SLADE proceeded. I was saying, sir, that there are certain maxims which have grown out of slavery, which, instead of being brought to the test of truth, are used to obscure its light. You reason well enough, says the objector; but why go back to creation, and soar into the region of its abstractions? Come down among men, and look at things as they exist. Are there not among men evident inequalities, physical and intellectual? Have not portions of them, of particular races, been long held in bondage? In fact, is it not evident that a part of the human race are made to be slaves?

Well, Mr. Speaker, I will leave the region of abstractions, and meet the objector on his own ground. I will admit, for the sake of the argument, that a part of mankind are made to be slaves. And now let me ask one question—Who are to be the slaves, and who the masters? What is the rule by which this question is to be decided? Certainly such a question should not be left to mere arbitrary decision. Give us, then, THE RULE. Is it color? What color? Black?—Brown?—Copper? Perhaps you will say black. Another will say white. The Roman slaves were white; and why should not American slaves be white also? Why should Africa, alone, produce the race whose necks are to wear the yoke?

But perhaps the advocates of slavery may think that there are other distinctions more appropriate than that of color. Differences of intellect, for example; or greater or less advances in civilization and refinement.—Well, let us try these.

Differences of intellect. What differences? How are they to be *defined*? The science of phrenology may, perhaps, by and by, furnish some aid; but, in its present imperfect state, it can hardly be trusted with so grave a matter as this—though, in good truth, it might as well be left to phrenology as to any thing else.

Advances in civilization and refinement. What advances? Whereabouts on the scale of improvement, from the cannibal to the most polished and intellectual, will you make a broad and well defined *mark*, and undertake to say—hitherto may slavery come, and no farther?

Now, Mr. Speaker, I demand a decision on these questions—with reasons. Until such reasons are given, I must continue to maintain that “*all men*,” of all colors, and all conditions, are, in respect to rights, “*equal*,” and that the American has, therefore, *just as good* a right to enslave the African, as the African has to enslave the Indian, or the Indian the European, or the European the American; and, therefore, that, if the right does exist, it exists in *favor* of all, and *against* all!

What now becomes of the doctrine, that a part of mankind are made to be slaves to the rest? Who will undertake to make the discrimination? much less to give reasons for it! Sir, the discrimination is as impracticable, as the attempt to make it is impious.

And now, I ask, on what principle does the right of man to property in man, rest? What is the law of slavery? Is it the law of force?—the right of the strongest? Sir, we are bound to answer these questions. Our relation to 7,000 slaves in this district, to a nation of freemen, and to the civilized world, demands of us an answer.

Thus, Mr. Speaker, whether we refer to the constitution of man's nature, the absence of all grant to him of dominion over his fellow—his admitted accountability to God—his duties in the domestic relations—or the obvious impracticability of the discrimination, necessarily connected with the exercise of the right in question—we are driven to the conclusion that he is not, and cannot be, the *property* of any other than the Being who made him. To make him such, is to *unmake* the work of the Creator. It takes man from his high position—“a little lower than the angels”—and thrusting him down among four-footed beasts and creeping things, degrades, and brutalizes, and crushes his noble nature.

But there are, after all, those among us, who maintain that slavery is *right*! Yes, sir, among us—not in Russia, or China, or Tartary; but among us—in these United States of America. Here, on this hallowed soil of freedom, is slavery, not merely *tolerated* as an evil, but cherished as a blessing—lauded, indeed, as favorable to the perpetuity of our free institutions.*

*Without adverting, for vindications of slavery, to the well known declarations of certain distinguished individuals at the south, I will only refer to an article in the last November number of the “*Southern Literary Messenger*,” a monthly periodical, published at the capital of Virginia, and patronized, I believe, extensively, at the south. The article is a review of “*Society in America*,” by Harriet Martineau, communicated, under the signature of a South Carolinian, and containing, among other things, a labored vindication of the institution of slavery. The substance of the argument is—that men are naturally indolent—that labor is necessary to give to the race a perfect physical development—that slavery, which drives to labor under the lash, is a blessing—that it was through this process that the children of Israel were trained by Divine Providence for their final greatness in the land of Canaan; and that barbarism has been, and may still be, thus civilized and elevated—in

SLAVERY INCONSISTENT WITH OUR CIVIL INSTITUTIONS.

And now, sir, let me show you how directly slavery is at war with these institutions; how it rides over, and prostrates THE GREAT PRINCIPLE which lies at the bottom of them all.

“We hold these truths to be self-evident, that **ALL MEN ARE CREATED EQUAL**—that they are endowed by their Creator with certain unalienable rights; that, among these are life, LIBERTY, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from THE CONSENT OF THE GOVERNED.”

Such was the declaration of our independence. The ENDOWMENT OF THE CREATOR—the EQUALITY OF MAN—and the CONSENT OF THE GOVERNED! How is slavery rebuked, and utterly disarmed, by the assertion of these great truths.

But they are not found in the declaration of independence alone. They did not merely kindle the fervor of that deeply excited moment, and then cease to be objects of regard and veneration. They entered into, and made part of, the constitutions of most of the states, in the form of a solemn declaration of rights. Thus, I find them, in almost the precise language of the declaration of independence, incorporated in the constitutions of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Pennsylvania, Ohio, Indiana, and Illinois. And shall I stop here? Must Mason and Dixon's line form the limit of all successful search for the constitutional recognition of these principles? No, sir; I am permitted to pass that line; and the first state on which I enter, is the noble and patriotic state of Delaware; in which, thank Heaven, slavery is fast melting away.—And what do I find here? Let me read the preamble to her constitution. It is as follows:

“Through Divine goodness—(How naturally and irresistibly is the mind drawn up to this great Source of power, when contemplating human rights and the institution of human governments!)—Through Divine goodness, *all men* have, by nature, the rights of worshipping and serving their Creator, according to the dictates of their consciences; of enjoying and defending life and liberty; of acquiring and protecting reputation and property, and in general, of obtaining objects suitable to their condition, without injury by one to another.”

Well may slavery leave a state whose constitution thunders in its ears such truths as these.

And now let me venture a little further south. I come to Virginia—aye, to Virginia! And what do I find? Here is her constitution before me; and, to my astonishment, the first thing that meets my eye is the following:

“A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government. Unanimously adopted, June 12, 1776.

“1. That **ALL MEN** are, by nature, **EQUALLY FREE AND INDEPENDENT**, and t—

short, that slavery is a school of physical and intellectual improvement, and the proper transition from barbarism to civilization and refinement.

So then, we are to teach the Africans—reduce them to slavery—put them under task-masters—refuse them a knowledge of letters—and wear out their lives in hopeless bondage—and all for the purpose of advancing them in the scale of civilization, and elevating them to the true dignity of their nature!

†The whole article, the reading of which was thus interrupted, is as follows:

“That *all men* are, by nature, *equally free and independent*, and have certain *inherent* rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing happiness and safety.”

Mr. WISE here interposed, and called Mr. Slade to order.

The CHAIR decided, from the rule, that Mr. Slade could not read any paper, if it was objected to by any member, without the leave of the house.

Mr. WISE said the gentleman had wantonly discussed the abstract question of slavery, going back to the very first day of the creation, instead of slavery as it existed in the District, and the powers and duties of congress in relation to it. He was now examining the state constitutions, to show that, as it existed in the states, it was against them, and against the laws of God and man. This was out of order.

Mr. SLADE explained. He said that, although the question respected the abolition of slavery and the slave trade in this district only, yet he had been permitted to examine, and must, of necessity, to do the subject justice, examine into the principles of slavery generally.—It was a question which respected the right of man, not merely to property—but to the things that perish with the using—but to himself—to the faculties which God had given him—to his own immortal nature. He had, it was true, gone back to the "first day of the creation;" but he did not perceive how that could form any objection, unless we are to look to some other source than the Creator, for the origin of human rights and obligations. He had referred to the constitutions of the states, with the same view that he had read the preamble to the declaration of independence, (which he was thankful it had not yet been declared out of order to read in that hall,) as a general authority against slavery, and not to maintain that we have a right to abolish it any where but in the territories over which the constitution has given us exclusive jurisdiction. He wanted to read from the Virginia constitution, merely to show what doctrines, in regard to human rights, were regarded as sound by the great men of 1776; and it had been his intention to read also, that part of the unamended constitution of Virginia, adopted in January, 1830, by which the declaration of rights in 1776, which he had begun to read, was expressly re-adopted as "requiring no amendment." This express re-adoption, so late as 1830, of the declaration of rights of 1776, he regarded of very great importance, as being a recent, and high authority in Virginia against slavery. But, as the reading had been pronounced out of order, he would submit, and proceed to another view of the subject.

The truths (said Mr. S.) which I have thus attempted to sustain by a reference to the declaration of independence and the state constitutions, though not denied, in their application to civil government, are treated as mere abstractions in reference to the question of slavery.

I cannot stop to expose the absurdity of this—to go through a course of reasoning to show how preposterous it is to claim for the white man an exemption from arbitrary political power, upon the ground that "all men are created equal," while that principle is rendered of no avail to protect the black man from being converted into property in the hands of an irresponsible master. Gentlemen have a great aversion to abstract reasoning, and therefore I forbear.

PRINCIPLES OF DECLARATION OF INDEPENDENCE APPLIED BY FRANKLIN AND JEFFERSON TO SLAVERY.

But I cannot resist the impulse to try another sort of argument. I want to treat gentlemen, by way of variety, to a little revolutionary authority, bearing directly on the question of slavery. FRANKLIN and JEFFERSON were very considerable men in their day; and may be supposed to have entered somewhat into the spirit of the declaration of independence, and to have understood the force and bearing of the truths it contained. Now let us see how they applied these truths, long after the fervor of revolutionary feeling had subsided.

Mr. SLADE being about to read certain papers signed by Doctor Franklin and Mr. Jefferson,

Dr. GRIFFIN, of South Carolina, interposed, and objected to the reading.

The CHAIR said the papers could not be read by the gentleman from Vermont, without leave of the house.

Mr. SLADE. Then I will send them to the clerk. Let him read them.

The CHAIR said, that was equally against the rule.

Mr. GRIFFIN then withdrew his objection, and, upon an audible assent to the reading from various parts of the house, Mr. Slade proceeded.

On the 12th of February, 1790, a memorial, signed by BENJAMIN FRANKLIN, president of "the Pennsylvania society for promoting the abolition of slavery, the relief of free negroes, unlawfully held in bondage, and the improvement of the condition of the African race," was presented to congress. The memorialists, after setting forth the objects of the society, referring to the "just and acute conception of the true principles of liberty," which stimulated its efforts, and declaring that "the christian religion teaches, and the political creed of America fully coincides with the position, that mankind are all formed by the same Almighty Being, alike the objects of his care, and equally designed for the enjoyment of happiness"—proceeds to say—

"From a persuasion that equal liberty was originally the portion, and is still the birth-right of all men; and influenced by the strong ties of humanity, and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who, alone in this land of freedom, are degraded into perpetual bondage; and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race, and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow-men."

And now, sir, upon what principle was it that the prayer of this petition was urged? for that is the point at which I am aiming. The memorial itself tells us.—It was "a just and acute conception of the true principles of liberty, as it spread through the land," and "a persuasion that equal liberty was originally the portion, and is still the birthright of all men." This it was that impelled the memorialists to ask congress to exercise, in regard to slavery, "the many important and salutary powers vested in it, for promoting the welfare, and securing the blessings of liberty to the people of the United States."

The gentleman from Virginia (Mr. WISE) complains that I go back to "the first day of creation," to find arguments against slavery. Why, sir, what did Doctor Franklin urge as an argument in favor of the prayer of this memorial? "That mankind are all formed by the same Almighty Being, alike the objects of his care, and equally designed for the enjoyment of happiness." He did not deem it impertinent to go back to creation, and seek, in the will of the Creator, an argument against slavery, and urge congress, upon that ground, to go to "the very verge of their powers" to favor the great object of his benevolence.

Need I ask, Mr. speaker, whether Doctor Franklin, and the men who united with him in this memorial, regarded the doctrines of the declaration of independence as abstractions, in reference to the question of slavery?

And now, sir, how was this memorial treated by the first congress which assembled under the constitution? Was it "nailed to the table?" No sir. It was discussed, and committed, by a vote of 43 to 14. And let me read what Mr. Madison said on that occasion. He did not take fire, because the memorialists asked congress to go to "the very verge of their constitutional powers," to act on the subject of slavery. Hear what he says—

"The debate has taken a serious turn; and it will be

owing to this alone, if an alarm is created; for, had the memorial been treated in the usual way, it would have been considered as a matter of course, and a report might have been made, so as to have given general satisfaction. If there was the slightest tendency, by the commitment, to break in upon the constitution, he would object to it. But he did not see upon what ground such an event was to be apprehended. The petition prayed, in general terms, for the interference of congress, so far as they were constitutionally authorized. But even if its prayer was, in some degree, unconstitutional, it might be committed, as was the case on Mr. Churchman's petition, one part of which was supposed to apply to an unconstitutional interference by the general government. He admitted that congress is restricted by the constitution from taking measures to abolish the slave trade; yet there are a variety of ways by which it could countenance the abolition; and regulations might be made in relation to the introduction of them into the new states, to be formed out of the western territory. He thought the object well worthy of consideration."

Mr. Madison was for consideration—we will not consider. He would commit—we will to the table!

Thus much for Benjamin Franklin, his abolition memorial, the "*abstractions*," on which it was founded, and its reception in the congress of '89.

And now, Mr. Speaker, I come to "THE GREAT APOSTLE OF LIBERTY." And here, I am sure, I shall have all the attention of gentlemen from the south, from whom I have so often on this floor, heard eulogies on the character of this great man, and references to his authority in matters of law. Virginia, certainly, will not be disposed to deny that Mr. Jefferson understood the principles laid down in the declaration of independence. And now, let us see how he applied these principles to the question before us.

I find in his posthumous works, vol. 1, page 268, the following letter to Doctor Price, of London:

"PARIS, August 7, 1785.

"TO DOCTOR PRICE:

"Sir: Your favor of July 2d, came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject. [Doctor Price, it seems, had written, and sent to the United States, an "incendiary" pamphlet, on the "sublime merits" of slavery!] From my acquaintance with that country, I think I am able to judge with some degree of certainty, of the manner in which it will have been received.—Southward of the Chesapeake, it will find but few readers concurring with it in sentiment on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice: a minority which, for weight and worth of character, preponderates against the greater number, who have not the courage to divest their families of a property, which, however, keeps their consciences uneasy. Northward of the Chesapeake, you may find, here and there, an opponent to your doctrine, as you may find, here and there, a robber and a murderer; but in no greater number. In that part of America, there being but few slaves, they can easily disencumber themselves of them; and emancipation is put into such a train, that, in a few years, there will be no slaves northward of Maryland. In Maryland I do not find such a disposition to begin the redress of the enormity, as in Virginia. This is the next state to which we may turn our eyes, for the interesting spectacle of justice in conflict with avarice and oppression; a conflict wherein the sacred side is gaining daily recruits from the influx into office of young men, grown, and growing up. These have suckled in the principles of liberty with their mothers' milk; and it is to them I look, with anxiety, to turn the fate of this question. Be not therefore discouraged. What you have written, will do a great deal of good; and could

*The foreign slave trade, which could not be prohibited prior to 1808.

you still trouble yourself with our welfare, no man is more able to give aid to the laboring side. The college of William and Mary, in Williamsburg, since the remodelling of its plan, is the place where are collected together all the young men of Virginia, under preparation for public life. They are there, under the direction, most of them, of a Mr. Wythe, one of the most virtuous of characters, and whose sentiments on the subject of slavery are unequivocal. I am satisfied, if you could resolve to address an exhortation to those young men, with all that eloquence of which you are master, that its influence on the future decision of this important question would be great, perhaps decisive. Thus, you see, that so far from thinking you have cause to repent of what you have done, I wish you to do more, and wish it, on an assurance of its effect. The information I have received from America of the reception of your pamphlet in the different states, agrees with the expectation I had formed.

THOMAS JEFFERSON."

Mr. speaker, this is a remarkable letter. Doctor Price, it seems, had written a pamphlet on the subject of the abolition of slavery, which had been liberally distributed in the United States. Mr. Jefferson, in speaking of its probable effects here, refers to Virginia as "the next state to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression." And on what did his hopes rest, in regard to Virginia? Why, sir, on the young men, who were daily coming into office and influence. And why on them? Because they had "sucked in the principles of liberty with their mothers' milk." Yes, sir, the very principles of liberty, embodied in the declaration of independence, so far from being regarded by its author, as mere abstractions in reference to the question of slavery, were relied on by him, as the animating principle which was to give energy to the young men of Virginia in the "conflict of justice with avarice and oppression;" and thus "turn the fate" of this great question.

Another remarkable feature in this letter is, the manner in which it treats the subject of "foreign interference." Mr. Jefferson justly regarded the question of slavery as a great moral question which concerned the world; and with an enlarged and liberal, though just view of the principles, which respect the freedom of thought, of speech, and of the press, he thanks the author of the letter for his benevolent efforts—exhorts him not to be discouraged—wishes him to do more—and assures him that, if he could trouble himself further, with "*our welfare*," no man was more able to give aid to the laboring side. Nay, he even suggests the idea of addressing an exhortation to the young men of the college of William and Mary, on this subject!

What a contrast to the spirit of this day! Now, the truths concerning slavery may not be even breathed to the winds, lest they be wafted to that very state whose young men were relied on by Mr. Jefferson to "turn the fire" of this question; and to whom, congregated in her cherished seat of learning, he besought a foreigner to address an earnest exhortation on this subject. Why, sir, I am amazed and alarmed when I look at this contrast.

You thus see, how Mr. Jefferson, at a time when the principles of the declaration of independence were as well understood as at any period of our history, applied them to the great question of slavery; and yet they are now called abstractions!

But, I have not done with Mr. Jefferson's authority on this subject. When he wrote to doctor Price, he was at the age of forty-one, and had just come out of the conflict in which the principles of the declaration of independence had triumphed. As he advanced in years, and the scenes of the revolution receded from him, he may be supposed to have viewed this subject more calmly and philosophically. Let us, then, hear him, at the age of seventy, when he had ceased to mingle in public affairs, and found himself in a retirement which

enabled him to review his early opinions, with the benefit of increased experience, and a maturer judgment. For this purpose, I beg leave to read the following letter from him to governor Coles, of Illinois, dated

"MONTICELLO, August 25, 1814.

"DEAR SIR: Your favor of July 31, was duly received, and was read with peculiar pleasure. The sentiments breathed through the whole, do honor to both the head and heart of the writer. Mine, on the subject of the slavery of negroes, have, long since, been in the possession of the public; and time has only served to give them stronger root. The love of justice, and the love of country plead, equally, the cause of these people; and it is a moral reproach to us, that they should have pleaded it so long in vain, and should have produced not a single effort—may, I fear, not much serious willingness to relieve them and ourselves from our present condition of moral and political reprobation."

[See, sir, how the "love of justice," and the "love of country," pleaded through the pen of this "apostle of liberty," for the rights of his colored brethren; and how keenly he felt the "moral reproach" of their having failed to produce any effort, or even willingness, to afford relief. Have we any less reason to feel the reproach now, than he had, near a quarter of a century ago? How long would slavery and the slave trade live in this district, if Jefferson's were the master spirit in these legislative halls? But he proceeds:]

"From those of the former generation, who were in the fullness of age when I came into public life, which was while our controversy with England was on paper only, I soon saw that nothing was to be hoped. Nursed and educated in the daily habit of seeing the degraded condition, both bodily and mental, of those unfortunate beings, but not reflecting that that degradation was very much the work of themselves and their fathers, few minds have yet doubted but that they were as legitimate subjects of property as their horses or cattle."

[Mr. Jefferson here touches a very important point in this question. The degradation of the poor slave is often made a justification of his enslavement. Mr. Jefferson saw and felt the cruel perverseness of this reasoning. 'The degradation, says he, was "very much the work of themselves and their fathers." How this suggestion demolishes, utterly, the defences which "avarice and oppression" have planted upon the ground of the slave's degradation. Shame on such reasoning! We convert the African from a man to a thing—put the yoke of perpetual bondage on his neck—shut out the light of truth from his mind—take away all motive to improve his condition;—in short, we crush his whole soul and spirit—and then taunt him with his degradation, and solemnly declare that he is fit only to be a slave!' Mr. Jefferson proceeds:]

"The quiet and monotonous course of colonial life had been disturbed by no alarm, and little reflection on the value of liberty; and when an alarm was taken at an enterprise of their own, it was not easy to carry them to the whole length of the principles which they invoked for themselves. In the first or second session of the legislature after I became a member, I drew to this subject the attention of Colonel Bland, one of the oldest, ablest, and most reputable members; and he undertook to move for certain moderate extensions of the protec-

* The degrading influence of slavery is illustrated in a communication to the New York Evangelist, under the head of "Reminiscences of slavery in Louisiana," in which the writer says—"When attempting to inculcate to slaves religious instruction, and to impress upon them a sense of moral obligation and accountability to God, I have frequently observed, at church, their unmeaning and vacant countenances, and, in personal conversation, have heard them say, their masters are accountable for them, and thus throw off all responsibility."

tion of the laws to these people. I seconded his motion, and as a younger member, was more spared in the debate; but he was denounced as an enemy to his country, and was treated with the greatest indecorum."

[So you see, Mr. Speaker, that "one of the oldest, ablest, and most reputable members" of the Virginia legislature was denounced as an enemy to his country, and even treated with the greatest indecorum, because he moved for "certain moderate extensions of the protection of the laws" to the slaves! Would that this spirit had died with that generation! But I will not detain you from the remainder of this interesting letter. Mr. Jefferson continues:]

"From an early stage of our revolution, other and more important duties were assigned to me; so that, from that time, till my return from Europe, in 1789, and I may say, till I returned to reside at home, in 1809, I had little opportunity of knowing the progress of public sentiment here on this subject. I had always hoped that the younger generation, receiving their early impressions after the flame of liberty had been kindled in every breast, and had become, as it were, the vital spirit of every American, in the generous temperament of youth, analogous to the motion of their blood, and above the suggestions of avarice, would have sympathized with oppression, wherever found, and proved their love of liberty beyond their own share of it."

[Here, Mr. Speaker, is the true spirit. Here, the "generous temperament" that rises "above the suggestions of avarice"—that goes out of self, in its love of liberty, and "remembers those in bonds as bound with them." Mr. Jefferson had hoped much from this spirit, in the young men of Virginia. But he had hoped in vain. Hear his lamentation:]

"But (he continues) my intercourse with them, since my return, has not been sufficient to ascertain that they have made towards this point the progress I had hoped. Your solitary and welcome voice is the first which has brought this sound to my ears; and I have considered the general silence which prevails on this subject, as indicating an apathy unfavorable to my hope. Yet the hour of emancipation is advancing in the march of time."

"I am sensible of the partialities with which you have looked towards me, as the person who should undertake this salutary but arduous work. But this, my dear sir, is like bidding old Priam to buckle the armor of Hector, "irementibus aevo humeris, et inutile ferrum cingi." No: I have overlived the generation with which mutual labors and perils begat mutual confidence and influence. This enterprise is for the young; for those who can follow it up, and bear it through to its consummation. It shall have all my prayers; and these are the only weapons of an old man."

"It is an encouraging observation that no good measure was ever proposed which, if duly pursued, failed to prevail in the end. We have proof of this in the history of the endeavors, in the British parliament, to suppress that very trade which brought this evil on us. And you will be supported by the religious precept, "be not weary in well doing." That your success may be as speedy and complete, as it will be honorable and immortal consolation to yourself, I shall as fervently and sincerely pray, as I assure you of my great friendship and respect."

THOMAS JEFFERSON.

EDWARD COLES, Esq.

Here, then, Mr. Speaker, we have Mr. Jefferson's deliberate, matured opinions on the subject of slavery. He applied to it, as he did thirty years before, in his letter to Dr. PRICE, the great principles of liberty which stood out, in bold relief, upon the declaration of independence, and which had, subsequently, been incorporated into most of the constitutions of the states which formed the union. And how forcibly do the considerations urged in this letter—the "love of justice"—the "love of coun-

+ Governor Coles had been among the young men of Virginia to whom Mr. Jefferson refers.

try"—and the generous "love of liberty *beyond our own share of it*," appeal to us "to go to the very verge of our constitutional power" to wipe away the "moral reproach" which slavery and the slave trade in this district have fastened on our country.

Let me now, Mr. Speaker, go back a moment, and present a single example of the strong feeling on this subject, in Virginia, previous to the revolution.

QUESTIONS OF ORDER—REQUESTS TO WITHDRAW, AND ADJOURNMENT.

Mr. RHETT, of South Carolina, asked if the proceedings in Virginia had any thing to do with the proceedings before the house.

The CHAIR was about to reply, when

Mr. WISE rose and said, he has discussed the whole abstract question of slavery—of slavery in Virginia—of slavery in my own district. I now ask all my colleagues to retire with me from this hall.

Mr. SLADE: Mr. speaker, I do not yield the floor.

Mr. HOLSEY: I ask the Georgia delegation to do the same.

Mr. RHETT: The South Carolina delegation have already consulted together, and agreed to meet at 3 o'clock, in the room of the committee on the District of Columbia.

The SPEAKER here said that the gentleman from Vermont had been reminded by the chair that the discussion of slavery, as existing within the states, was not in order. When he was desirous to read a paper, and it was objected to, the chair had stopped him; but the objection had been withdrawn, and Mr. Slade had been suffered to proceed. He was now about to read another paper, and objection was made. The chair would, therefore, take the question on permitting it to be read.

[Mr. ROBERTSON, Mr. RHETT, and others here rose and addressed the chair: a good deal of confusion prevailed; portions of the southern members were leaving the hall.]

Mr. RHETT made a question of order. He asked if the gentleman from Vermont had a right to discuss the question of slavery in Virginia. He thought not; and he invited the whole southern delegation from all the slave holding states, to meet, forthwith, in the committee room of the district.

The SPEAKER again recapitulated, and vindicated the correctness of his own course, as being dictated by the rules of the house. What his personal feelings had been, might easily be conjectured. Had it been in his power to restrain the discussion, he should promptly have exercised the power; but it was not.

Mr. SLADE said the matter was not understood. It was through mere inadvertence, that he had announced his intention to refer to an expression of feeling in Virginia previous to the revolution. The paper he was about to read, was an act of the continental congress of 1774, in regard to the slave trade, expressive of the feelings of the whole country, as well as of Virginia.

The CHAIR was about to put the question on leave to read the paper, when

Mr. WM. COST JONSON, of Maryland, inquired of the chair, whether it would be in order for the house to vote that the gentleman from Vermont be not permitted to proceed.

The CHAIR replied that it would not.

Mr. McKAY, of North Carolina, said that the gentleman had been pronounced out of order, in discussing slavery in the states; and the rule declared that when a member was so pronounced by the chair, he should take his seat, and if any one objected to his proceeding again, he should not do so, unless by leave of the house. Mr. McKay did now object to the gentleman from Vermont proceeding any further.

The CHAIR read the rule referred to, and said that, as an objection had now, for the first time, been made under that rule, to the gentleman's resuming his speech, the chair decided that he could not do so without leave of the house.

Mr. SLADE said he had been permitted to read the papers he had read, and to proceed and comment on them. He had been doing nothing for these twenty minutes past, but by leave of the house. Why, then, should he be now put down, on the ground that he had been out of order? But, independent of the leave under which he had proceeded, he had indulged in no range of debate which was not perfectly in order—none that was not pertinent to the question whether slavery was consistent with the principles of liberty asserted in the declaration of independence, in the state constitutions, and in the other papers which he had read. He had not discussed, and did not intend to discuss, the question of slavery in the states. His object had been to ascertain what slavery was, and to array against it not only reason and revelation, but the authority of some of the most distinguished men, and acts of our revolution.

The CHAIR directed Mr. Slade to take his seat, until the question on leave to proceed should be put.

On this question, Mr. ALLEN, of Vermont, demanded the yeas and nays.

Mr. RENCHER, of North Carolina, moved an adjournment.

Mr. ADAMS, and many others, rose and demanded the yeas and nays on the question of adjournment. They were ordered, and taken, and resulted, yeas 106—nays 63.

So the house adjourned.

Mr. CAMPBELL, of South Carolina, at the moment of adjournment, said he had been appointed as one of the southern delegation to announce that all those gentlemen who represented slave holding states, were invited to attend the meeting now being held in the district committee room.

FURTHER DEBATE PROHIBITED BY RESOLUTION.

The adjournment of the house was immediately followed by a meeting of southern members, in pursuance of the above notice, which it is understood was continued until late at night. Of the proceedings of that meeting, nothing has specifically transpired, except the preparation, for the action of the house of representatives, of the following resolution:

"Resolved, That all petitions, memorials, and papers, touching the abolition of slavery, or the buying, selling, or transferring of slaves, in any state, district, or territory of the United States, be laid upon the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon."

This resolution was, on the following morning, presented to the house by Mr. PATTON, of Virginia, the chairman of the meeting. To prevent debate upon it, and thus put it out of the power of the minority to show cause why they should not be silenced during the remainder of the session, the mover of the resolution, without taking his seat, so that any other one might obtain the floor to discuss the resolution, moved the previous question. The motion was sustained, debate thus cut off, and the resolution forthwith carried by a vote of 122 to 74.

The history of the proceedings of the previous day shews how Mr. S. was put down, and opportunity thus given to move an adjournment. The above resolution, and the proceedings on it, show, in part, how the intermediate time between that and the following morning, was employed in devising plans to nullify the right of petition, and gag the representatives of the petitioners, on the subject of slavery and the slave trade, during the remainder of the session.

It is not the purpose of Mr. S. to comment on this arbitrary and unconstitutional infringement of the liberty of speech. Having been thereby prevented from continuing his remarks he refers to it as an apology for presenting, in the following pages, the substance of what he had intended to say, had he been permitted to proceed. If any additional apology can be deemed necessary, it may be found in the fact, that it was made matter of special objection to his proceeding, that he

had "wantonly discussed the abstract right of slavery, instead of slavery as it existed in the district, and the powers and duties of congress in relation to it." But it will be soon, by what follows, that he was proceeding to a practical view of slavery, and to an examination of the slave trade in the district, and the powers and duties of congress in regard to both. He feels compelled, therefore, in justice to himself, to present what he had intended to say on these branches of the subject.

Mr. S. was obliged to submit to the power which, in effect, *passed a law*, in the midst of his speech, that it should not be heard through; and which decreed that a certain subject which the minority wished not to hear discussed, *should not be discussed* by any body in the hearing of that majority. He submits to that power, for the same reason, and no other, that he would submit to a physical power, which he could not resist. But as long as there is any freedom left in the Press, that power shall fail of its intended effect, so far as it regards himself.

When Mr. S. was interrupted it was his intention to have proceeded, in substance, as follows:

Mr. SPEAKER: let me now call your attention to an act of the continental congress, of the 20th of October, 1774. It was not an act passed with the ordinary solemnities; but it was in the form of a *solemn agreement and declaration*, signed by all the delegates of twelve colonies, in behalf of themselves and their constituents; in which, in the name of "virtue, honor, and love of country," they, among other things, declared:

"We will neither import, nor purchase any slave imported after the first day of December next; after which, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it."

I have, Mr. Speaker, referred to this solemn act, for the double purpose of showing the deep abhorrence in which slavery was helden at a time when the *principles of the revolution* were most thoroughly understood and felt, and of exhibiting the strong contrast which it presents to the apathy with which this nation now, in the pride of its independence and power, regards slavery and the *slave trade* in the capital of the republic. The year 1774 was a gloomy period in our history. We felt the weight of British oppression; and we felt, too, the inconsistency of appealing to the world, and above all, to Heaven, for countenance and aid, while our hands were defiled with the abominations of the slave trade. That was a right feeling. Where has it fled? What have become of the vows we made in the day of trouble? Let the unrestrained prosecution of a slave trade in this district, scarcely less atrocious than the African slave trade itself, answer.

SLAVERY DISSECTED.

I have thus far, Mr. Speaker, answered the question—what is slavery? mainly with a reference to its *legal definition*, and the total subversion of human rights which it involves. But I am told that it is unfair to judge slavery by such a standard; for, though the general definition given of it, throws the slave into the hands of an absolute owner, and seems to leave him there, helpless and unprotected, yet that this is not a full and fair view of the case; for, though the slave laws speak of the slave as *property*, yet they really treat him as a human being, and yield him a reasonable protection; and if, in any respect, they seem to come short of it, the deficiency is made up by the interest or the humanity of the slave holder. Well; let us, then, look at the matter in this light; for if there is any protection to the slave, I am anxious to find it.

The slave laws, in the first place, leave the slave exposed to the unlimited exactions of the master as to the degree and duration of his labor. I cannot learn that

the *slave laws of the United States** impose any restriction in this respect. There are, in some of the slave states, laws which forbid the master from compelling the slave to labor on the sabbath, and which limit the hours of daily labor. An example of the latter may be found in the laws of South Carolina, which fix such limit at *fifteen hours*! In most of the states, as in this district, the law are, on these points, entirely silent.

In the next place, the quantity and quality of food and clothing, are entirely at the discretion of the master. There are some few of the states where there are regulations on this subject, which, if they were enforced, would be but a sorry provision for the comfort of the slave; but which, from their nature, and the general obstacles in the way of enforcing any laws in his favor—which I shall presently notice—can seldom be carried into execution. The slave is left, as in the case of the duration of daily labor, and a few other cases in which the laws sometimes hold out the semblance of protection, to the absolute and really irresponsible discretion of his owner.

The power of the master, in the next place, to inflict punishment or perpetrate violence on the slave, is unlimited, with three exceptions: These are—*murder, maiming, and such cruelty as would, if inflicted on a beast, subject the perpetrator to an indictment at common law, for a misdemeanor*. For the first, the master may be punished capitally, and for the two last, by fine.

The slave is liable to be beaten by any body and every body, without any responsibility through a civil prosecution, but to the owner. The slave has no remedy.

In the next place, the slave is, in virtue of his quality as a chattel personal, liable to be sold, mortgaged, or leased, as the caprice or necessities of the master may dictate. He may, moreover, be taken and sold by process of law at the suit of his masters creditor, or by an executor or administrator, in satisfaction of the debts or bequests of a deceased master.

Slaves, however cruelly treated, may not redeem themselves, or obtain a change of masters, however necessary to their *personal safety*.

Slaves can make no contract. As they can hold no property in things, and have none in themselves, or in any of their faculties, or the products of them, there is, of course, nothing in the wide creation which can, to them, be the subject of a contract.

But some one asks, in amazement—can they not contract *matrimony*? They may make to one another what promises they please, with the consent of their owners. But these promises, though morally binding, are not *legal contracts of matrimony*. With slaves, the marriage relation has no legal existence. There are no parties capable of contracting. The law recognizes no such relation—gives it no sanctions, connects with it no rights, and throws around it no protection. *Rape and adultery*, when applied to this subject, are words without meaning; and there is no sense in which the husband has a right to his wife—the wife to her husband, or either of them to their children. In short, the whole *domestic relation* is cut up root and branch—destroyed, annihilated!

In reference to the wrongs to which the slave-laws of the United States generally leave the slave exposed, there are two or three points which require a moment's distinct attention.

The slave has no remedy in his own right for any injury. He can be a party to no suit. He can have no action against any body, for injuries either to himself, his wife or his children. He is, in this respect, a complete *outlaw*, without remedy in his own right, for wrong of any kind or degree whatever.

The crying injustice of leaving the slave thus un-

* When I speak of the slave laws of the United States, I mean, of course, the slave-laws of Virginia and Maryland, as adopted by the act of congress of the 27th of February, 1801. They are all now in force as laws of the United States for this district.

protected, made so deep an impression on the mind of Mr. Jefferson, that, soon after he entered the Virginia legislature, (as he says in his letter to governor Coles, which I have read) he drew to it the attention of colonel Bland, an old and reputable member of that body, who "undertook to move certain moderate extensions of the protection of the laws to these people." But, instead of succeeding in this noble purpose of mercy and justice, colonel Bland, as Mr. Jefferson says, was actually "denounced as an enemy to his country, and treated with the greatest indecorum." And so the slave is an outlaw still!

The next general consideration connected with this subject which deserves special notice, is, that no *black man, whether bond or free, can testify in any case in which a white man is a party.* 'This is a rule of law of universal application wherever slavery exists. Now who cannot see how completely this rule deprives the slave of the little protection which the laws profess to give him. Take the cases in which they make such profession—namely, the subjection of the master to a public prosecution for murder, maiming and cruelty to animals at common law.* Who, in the first place, is to become the *informer*? The injured slave dare not; so completely is he within the power of the master. And if he dare disclose the truth, and set on foot a prosecution, he cannot be a witness. To as little purpose would any other black man move in such a matter, since no prosecution against a white man can be sustained by his testimony.

It is in vain that the laws forbid the murder or maiming of a slave, or that the master is subjected to a prosecution at common law as for cruelty to an animal, if the laws cannot be executed; and how can they be, without witnesses? They are but a mere mockery, accompanied as they are, by a sweeping disqualification of nearly all the witnesses who, in a *slave community*, would be likely to know the facts necessary to a conviction. Add to all this, the consideration that *from the very nature of his relation to the slave, the master has the power of so disposing of him preparatory to the perpetration of violence, as to render it impossible to detect and bring him to justice, by any testimony whatever.*

* I confess it would not have occurred to me to reckon the common law prosecution for cruelty to animals, as among the legal protections to the slave, but for a remark which I find in "a practical treatise on the laws of slavery" by Jacob D. Wheeler, Esq. recently published. In reference to a remark of Judge Stroud, in his sketch of the slave-laws, that, "the master may, at his pleasure, inflict any species of punishment on the person of his slave," Mr. Wheeler says in a note, p. 200: "In those states where there are no enactments upon the subject, the common law would be sufficient to protect slaves. Our books are full of criminal prosecutions for cruelty to horses and other animals. And the common law remedy is considered effective without any statutory enactment."

Mr. Wheeler's work, which embraces a compilation of judicial decisions under the slave-laws, is, I observe, recommended by Judge Hitchcock, of Alabama, as "a valuable work." I concur in the opinion that it is valuable, if for no other reason, for the evidence it thus furnishes of the legalized cruelties of slavery. "The common law prosecution for cruelty to horses and other animals (says Mr. W.) is considered effective, without any statutory enactment." What a confession! The protection enjoyed by "*horses and other animals*" is regarded as *sufficient for men!* To the white man is accorded the protection of a private action of assault and battery; while the poor slave is left to the protection of an *indictment* at common law for cruelty to a *beast*; and even that he cannot originate or sustain by his own evidence, or the evidence of any man who has African blood running in his veins. This is the "effective" remedy—so effective as to supersede the necessity of legislation!

In what a helpless, unprotected, deplorable condition is the slave thus left. What an inconceivable amount of suffering may, either through defect of the laws, or failure of their execution, be inflicted on him by excessive labor, want of food and clothing, and cruel punishments by whipping, chaining, and imprisoning at pleasure—to say nothing of the sufferings incident to his sale, transfer, and severance from his friends. How completely is he left at the mercy of irresponsible power—exposed to the grinding exactions of avarice, the relentless scourings, it may be, of a passionate, unfeeling master, and the kicks and cuffs of every body. To add to all this, he may be, and often is, placed under the superintendence, and subjected to the proverbial cruelties, of one of those subordinate despots called *overseers*, of whom Mr. Wirt, in his life of Patrick Henry, says—"They are the most abject, degraded, unprincipled race—always cap in hand to the dons who employ them, and furnishing materials for the exercise of their pride, insolence, and spirit of domination."

But it is said that, though the laws furnish, in their enactments, little protection, and in their execution less, yet the slave has a sufficient protection in the interest and humanity of his master.

Interest and humanity! What a protection to be talked of for *human rights*, in a land whose glory it is that *the laws are supreme*; and that to them—not to interest or humanity—all—the humblest and the highest—the richest and the poorest, may look for protection. Interest and humanity! Who of us are willing to place our rights under such a guardianship? We want for ourselves, our wives and our children, the protection of *law*; and of law that can be made to reach and punish the violators of our rights. And shall we, can we, withhold this protection from the slave, and yet talk of respect for the constitution which bears upon its front the noble inscription "TO ESTABLISH JUSTICE?" Can we do it, and make pretensions of regard for that great law of christian love, which enjoins *THE DOING TO OTHERS AS WE WOULD THAT THEY SHOULD DO UNTO US?*

But, Mr. speaker, I place this question on higher ground than the want of legal protection from outrage. Let the slave be ever so well treated; let his rights to immunity from violence and cruelty be ever so much respected, yet *THE GREAT RIGHT—his right to himself, is trampled in the dust.* The wrong thus inflicted, no kindness of treatment can make right. Wrong—flagrant wrong—deeply and indelibly stains the whole. The "SPOT" is there, and ocean's waters cannot wash it out.

Another strong feature in the slave system which I have thus glanced at, is the liability of the slave to be disposed of *under legal process.* It is one of the most odious features in the whole system, because there are, in such cases, none of the restraints upon the cruel separation of husbands and wives, and parents and children, which masters may sometimes feel in disposing of their slaves. This feature of the system is justly stigmatised by Edwards, in his history of the West Indies, as "a grievance remorseless and tyrannical in its principles and dreadful in its effects."

If, in any respect, the slave laws of the United States are less odious than those of some of the states, they are, in this respect, decidedly more so than those of Louisiana. There, slaves are made part of the *real estate* of their masters; and their sale is, of course, subjected to all the restraints upon alienation to which that kind of estate is subjected. Here, there is no such restraint; and under the laws of the United States, the disgraceful spectacle is frequently exhibited of the exposure of slaves upon the auction stand in this city, for sale to the highest bidder, either at the instance of the owner, or upon process of execution, or under an order of the court having charge of the settlement of estates.

While the laws of the United States are thus more odious than those of one of the slave states, and, I may add, more so than another, (Maryland) which has re-

pealed her law subjecting a free black to be apprehended and imprisoned as a runaway slave, and sold into slavery to pay his jail fees, while here it remains in full force;—while our laws are thus distinguished for cruelty and oppression, it is but justice to say that there is one respect, in which they are distinguished for at least a negative humanity. They do not actually prohibit the instruction of the slaves in reading. If they can find any one who will be willing to instruct them, and if their owners will allow them to be instructed, there is no law which will either fine or imprison the instructor! And if they can build school houses, and hire instructors, and contrive to collect themselves together for instruction, at the same time that they are toiling in the service of their owners, there is no law in force here, which will authorize an officer to enter the school house, and disperse them as an "unlawful assembly." In these respects, the government of the United States may boast that its slave-laws are superior to those of most of the slave states!

The reference I have made to the matter of instruction, suggests another feature in the slave-laws which deserves special notice. While the instruction of slaves is prohibited by law, as in most of the slave states, or prevented or neglected by most of the slave owners, as in this district, they are, nevertheless, subjected to punishment for crimes, far severer than those inflicted on the well instructed and the free. Judge Stroud, in his "sketches of the laws relating to slavery," enumerates nineteen classes of offences (some of them embracing several distinct offences) in Virginia, for which the white man is only punishable by imprisonment; while, for the same offences, the slave is punishable with death. He makes similar specifications with regard to several other states. I refer particularly to Virginia, because her laws have been adopted by congress for a part of this district. There are also numerous acts which are not prohibited to freemen by the laws governing the district, but which are made crimes when committed by slaves, and for which they are subjected to severe punishments. A more cruel absurdity in criminal legislation can hardly be conceived. It is exhibited in these distinctions between the slave and the freeman—distinctions which, if crimes and punishments are to hold any relation to each other, enhance guilt just in proportion as the means of forming just conceptions of moral and legal obligation are withheld from the offender.

Such are the slave laws of this nation, whose declaration of independence asserts that "all men are created equal," and whose constitution was ordained to "establish justice, and secure the blessings of liberty to ourselves and our posterity."

UNCONSCIOUSNESS OF THE WRONG OF SLAVERY NO MITIGATION OF IT.

But the kind and benevolent slave-holder, (and there are many—many such,) says to me—I am not, after all, conscious of the wrongs of which you speak, and must think it a great breach of christian charity for you to indulge in such denunciations of slavery, when there are so many kind and charitable, benevolent and humane, just and pious slave-holders. Are they all to be accused of "violating the laws of God and man?" And can slavery be as bad as you represent, while it is sustained by such men?

Mr. Speaker, I stand here, not as the accuser of individuals, but to speak of the radical and incurable wrong of slavery. I do not assume the office of a reprover; but I speak, as I have a right to do, the words of truth and soberness in regard to slavery, cherished and sustained as it is, by the authority of the United States, in this territory, over which that authority is exclusive and supreme. In regard to individual slave-holders, I desire to avoid, most scrupulously, the language of vituperation and reproach. I know many of them, for whom I entertain a high personal regard, and upon whose feelings it would give me very great pain to in-

dict the slightest wound. But must I, therefore, refrain from all animadversions upon slavery? They indeed profess to be unconscious of any wrong in the institution which I denounce; and I gave them credit for sincerity. But does that settle this question? Can any unconsciousness of the wrong inflicted on the slave, affect the real extent of that wrong? It may lessen the sin of holding him in bondage. That is a question I am not now discussing. I do not treat this as a question of MORALS but of HUMAN RIGHTS. The degree of moral turpitude is one thing—the wrong done the slave another. His rights are not to be measured by that standard. It is no mitigation of the wrongs which he suffers, that they are inflicted by one who is unconscious of their extent; or even by one who, in every thing else, is distinguished for uprightness and humanity. They are just as really wrongs to him, as though inflicted by the greatest monster upon earth.

I need hardly remind you how strikingly this distinction is illustrated in the history of the African slave trade. It is less than fifty years since that trade—now made piracy—was openly carried on by British subjects, under the sanction of British laws; and by men, too, of respectable standing in that kingdom. Indeed, when Clarkson, Wilberforce, Fox, and Pitt, assailed this trade, and pressed upon parliament its abolition, the history of that struggle tells us that its consistency even with revealed religion was stoutly maintained! "We had to contend," (says the indefatigable Clarkson,) and almost to degrade ourselves by doing so, against the double argument of the humanity and the holiness of the trade."

If the "humanity and holiness" of the slave trade was contended for then, how much force is there in the argument in favor of slavery, which is based upon the insensibility of its supporters to the wrongs of the institution?

But, sir, the light of truth dispelled the delusion in Great Britain; and the same light is destined, I trust, at no distant day, to dispel a similar delusion here.

THE SLAVE TRADE IN THE DISTRICT OF COLUMBIA.

Having answered the question—what is slavery? I proceed to the consideration of another question. The memorial asks for the abolition of the slave trade in this district.

And what is the slave trade? It is the MAKING MERCHANTIZE OF MEN. It is not merely the sale and transfer of slaves in the ordinary exchanges of society; but it is the buying and selling of men and women to get gain. The slave-holder holds them for this purpose.—The slave-merchant buys and sells them for the same purpose. Both are founded in the same great wrong—that of depriving a man of property in himself. It is not, therefore, merely that deprivation that stamps the trade with its peculiar atrocity; but the incidents necessarily connected with the purchase, sale, and future destiny of the subjects of it. These incidents embrace the sundering of the domestic relations: the coercions and restraints of chains, manacles, prisons, and slave-ships—the dreaded and dreadful uncertainties of destiny connected with the disposal of the slave in a foreign market, and the frequent realizing of his gloomiest anticipations in regard to his condition in the hands of a new proprietor.

Trace the poor slave through the whole of this process, and you see the broad and deep impress of PROPERTY, AND NOTHING BUT PROPERTY, stamped on every part of it. While mingling in the settled and permanent relations of "domestic servitude," he, perhaps, formed those associations, and experienced those sympathies which made him almost forget that he was not his own, but the property of another. But the moment he is transferred to the hands of a slave merchant, the truth of his condition flashes upon his mind, and he sinks him in despair. He sees nothing around him, but the evidences of his deep degradation, and nothing before him but a gloomy and galling servitude. Cut off from

the solaces, poor though they might have been, of his former homo, he feels himself in the chilling presence, and within the iron grasp of a dealer in human flesh, whose adamant heart feels no pity, and respects no right. He looks forward, indeed, to a change of his relations; but it brings no solace to his aching heart, and throws no light upon the future midnight gloom. He looks back, but it is only to revive the agonies of the separation, and, by the contrast, to paint the future in colors of darker and deeper horror.

And what has he left behind him? Go to the home from which a merciless cupidity has forced him, and what do you see? The wretched wife and mother, stretched upon her lowly couch, pressing to her agonized bosom the child of her love, as if to stanch the wounds which a heartless and revolting avarice has inflicted on it. She follows, in her imagination, the object of her affection, and hears the clanking of his chains, and the sighs and groans of his wretched prison-house. She traces him through the slave mart, and from the auction stand, to the possession of a new owner, and there sees him toiling, and sweating, and bleeding beneath the lash of an iron-hearted task-master.

Wonder you, sir, that death is often sought as a relief from such agonies?

But what have I described? The fruits of the *slave trade*. And where? In Africa!—far away from the restraining influences of civilization and christianity, where the trade in human flesh finds the congenial associates of war and rapine? No sir—not there, but *here*—*here*, in this very district, and within sight of the very place where we are assembled—*here*, in the midst of a country, which boasts its humanity and refinement, its liberties and laws—*here*, where altars are erected, not for the immolation of human victims to appease the wrath of an unknown Deity, but to Him who “hath made of one blood, all nations of men, to dwell on all the face of the earth,” and whose whole law of duty from man to his fellow, is summed up in the precept, “THOU SHALT LOVE THY NEIGHBOR AS THYSELF.”

And are these things so? Can I make you, Mr. speaker, and the country, believe it? Yes sir; I can and will, if the house will give me a committee, whose souls shall enter into this subject, and who shall resolve to tear aside the veil that hides the deformities and the horrors of this detestable traffic.

While, however, I thus speak, it is, I confess, enough to destroy all courage in attempting any thing for the suppression of this abominable and disgraceful traffic, to recollect how abortive have proved all efforts hitherto, to effect that object. I open the journals of this house, and find that, in 1816, Mr. Randolph, of Virginia, moved a resolution providing for the appointment of a special committee “to inquire into the existence of an inhuman and illegal traffic in slaves, carried on in, and through, the District of Columbia, and to report whether any, and what, measures are necessary for putting a stop to the same.”

On the occasion of offering this resolution, it is said in the journal of the debates of that period, that—

“Mr. Randolph moved the (foregoing) resolution, the necessity of which, and of providing a remedy for a practice so heinous and abominable, (making this district a depot for the slave trade of the neighboring states, and a medium for evading the laws in force by collusive sales,) he impressed by a variety of remarks, and concluded by declaring that, if the business was declined by the house, he would undertake it himself, and ferret out of their holes and corners the villains who carried it on.”

This was on the 1st of March. On the 30th of April, Mr. Randolph, it appears, reported sundry depositions on the subject, taken by the committee; which were ordered to lie on the table—and *there*, Mr. speaker, *they lie to this day!** Not another step, that I can find, was

taken under the resolution. Neither congress nor the mover of the resolution appear to have done any thing further to “ferret out of their holes and corners, the villains who carried on” the “heinous and abominable” traffic.

Another movement was made in 1829, by an able and estimable son of Pennsylvania, (Mr. CHARLES MERRICK,) looking to a remedy for this evil, in regard to which he made some most astounding disclosures, and supported a proposition for the gradual abolition of slavery, and the immediate prohibition of the slave trade in this district, in an able and eloquent speech. If fact, and argument, and eloquence, could have effected any thing, surely it would have been effected by this effort. But it availed nothing. The proposition went to a committee, and *slept the sleep of death!* Enormities staring enough to wake the dead, were like galvanism upon a lifeless carcass. There was a slight convulsion, and all was over!

I have, Mr. Speaker, spoken of the open and unblushing prosecution of this trade. Why, sir, look into the newspapers of this city. Yes, into the *newspapers*. The evidence is found even in the very papers which are laid every morning on our tables. Take up, for example, one of these papers of yesterday, and you will find no less than five advertisements by slave-merchants in this district, (four of them in this very city,) offering “cash for negroes.” Take the following as a specimen of the whole:

“CASH FOR NEGROES.—I will give cash, and liberal prices, for any number of young and likely negroes, from 8 to 40 years of age. Persons having negroes to dispose of, will find it to their advantage to give me a call, at my residence, on the corner of 7th street and Maryland avenue, and opposite Mr. William H. Williams’s private jail. All letters addressed to me, Washington city, shall have immediate attention.”

“WILLIAM H. RICHARDS.”

“Any number of young and likely negroes, from eight (!) to forty years of age!” “Cash, and liberal prices!” And all to supply slave factories—not on the coast of Africa, but in the city of Washington—the capital of the United States of America!

And how are these slave factories supplied? How are these “private jails” filled? By agents, moving about in the surrounding country, like New England or Pennsylvania drovers, in search of cattle. When the price of slaves is high in the southern market, the trade is active, and large numbers are purchased. They are brought into this city, sometimes marching in double files, connected by chains passing through hand-cuffs, or collars, and sometimes crowded into large wagons, like sheep for the slaughter. I have witnessed both modes of transportation. In this manner, they are driven through the streets of this city, and by the very doors of this capital, to be deposited in the “private jails” prepared for their reception. It was but last winter, that one of these very exhibitions was presented to the wondering gaze of the members of the 24th congress, as they were leaving this capital, upon an adjournment of the house.

The slaves collected in the manner thus described, are sent to the southern market, either over land, or by transportation coastwise. The number thus purchased and disposed of annually, I have no means of stating. The custom-house returns would show the number

*Since writing the above, I have found that a bill for suppressing the trade in this district was reported by Mr. Washington, of Maryland, chairman of the committee on the district, in April, 1830. It was read a first and second time, and referred to the committee of the whole on the state of the union; and that is the last that has been heard of it. If the committee should take it into their heads to report such a bill now, it would not be as fortunate as the bill of 1830, but would be *nailed to the table, “without being debated, printed, read, or referred.”*

*These depositions are not to be found in the clerk’s office.

skipped; but there are no means of ascertaining the probably larger number otherwise sent from the district.

Do you, Mr. Speaker, want further evidence of the extent and character of this trade? I have it at hand, in a memorial of more than eleven hundred citizens of this district, presented to congress in 1823, praying for the abolition of slavery and the slave trade here. In that memorial, the trade is thus described:

"While the laws of the United States denounce the foreign slave trade as piracy, and punish with death those who are found engaged in its perpetration, there exists in this district, the seat of the national government, a domestic slave trade scarcely less disgraceful in its character, and even more demoralizing in its influence. For this is not, like the former, carried on against a barbarous nation; its victims are reared up among the people of this country, educated in the precepts of the same religion, and imbued with similar domestic attachments.

"These people are, without their consent, torn from their homes; husband and wife are frequently separated and sold into distant parts; children are taken from their parents, without regard to the ties of nature; and the most endearing bonds of affection are broken forever.

"Nor is this traffic confined to those who are legally slaves for life. Some who are entitled to freedom, and many who have a limited time to serve, are sold into unconditional slavery; and, owing to the defectiveness of our laws, they are generally carried out of the district before the necessary steps can be taken for their release.

"We behold these scenes continually taking place among us, and lament our inability to prevent them.—The people of this district have, within themselves, no means of legislative redress; and we therefore appeal to your honorable body, as the only one invested by the American constitution with the power to relieve us."

Here, Mr. Speaker, is a description of this trade, which fully sustains all I have said in regard to it; for it is notorious that its extent and enormities are not less now, than when they drew from those who were familiar with them, the description I have read, with their earnest prayer, that congress would interpose and relieve them from the "disgraceful" and "demoralizing" traffic.

Two years after the presentation of this memorial, namely, on the 15th of January, 1830, the grand jury of the county of Washington, by their foreman, Thomas Carberry, esq. addressed a letter to the chairman of the committee for the District of Columbia, in which he said—"the district is made a market for the purchase and sale of great numbers of slaves, annually brought here for that purpose. These wretched beings are frequently seen passing through our streets, like droves of cattle, to houses of deposit, set up and maintained for that purpose. The inhuman practice is so shocking to the moral sense of the community, as to call loudly for the interposition of congress."

Mr. Speaker: I have asked for a committee to investigate this subject. But I submit whether there is not before us, sufficient evidence to warrant and demand our immediate action. Sir, we ought to pass a bill forthwith, by acclamation, banishing this traffic forever from our jurisdiction. Humanity, justice, national character, consistency, all unite in demanding it.

I say consistency demands it. Why, sir, what have we done? Let me examine a moment.

We, in the first place, authorized by our constitution the abolition of the foreign slave trade after the year 1808.

In 1794, we prohibited the fitting out from the ports of the United States, of vessels for the slave trade between foreign countries.

In 1800, we prohibited the holding of any right in vessels so fitted out, or serving on board the same; and authorized their seizure by the ships of war of the United States.

In 1807, we prohibited, after the 1st of January,

1808, the building or fitting out of any vessel for the importation of slaves—enacted her entire forfeiture, and imposed a penalty on each person concerned in such fitting out, of \$20,000.

In 1818, we enacted numerous additional provisions against the slave trade, and against all engaged therein.

In 1819, we authorized the cruising of our armed vessels for the suppression of this trade; and

In 1820, we declared it to be piracy, punishable with DEATH.

We also prohibited the importation of slaves into the territories, namely—of Mississippi, in 1798; of Orleans, in 1804; and of Florida, in 1822—enacting, in each case, that the slaves imported should be thenceforth free.

Nor is this all. In the year 1815, we concluded a treaty of peace with Great Britain, in which it was solemnly stipulated that—

"Whereas, the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas, both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object."

It thus appears that we have not only "gone to the very verge of our constitutional power," for the purpose of utterly destroying the foreign slave trade, gradually rising in our enactments, to the punishment of DEATH; but that we have, on an occasion of great interest to our country, and under circumstances suited to make a deep impression on the world, solemnly entered into covenant with a great nation, that we would use our "best endeavors" to promote the "entire abolition" of the traffic in slaves—a covenant whose terms and spirit, obviously, can be satisfied with nothing short of the abolition of the "traffic" in this capital of our republic.

And now, sir, behold our inconsistency. After having done all this; after having actually risen to the point of making the foreign slave trade piracy, and solemnly covenanted to use our best endeavors to promote the entire abolition of the traffic in slaves, we still permit it to be carried on under the sanction of our own laws, and in the very heart of our own country!

Sir, it is amazing to look at this inconsistency. Let me illustrate it by an example. Here are two citizens of Alexandria, in this district. Each fits out a vessel for the slave trade. One sails to Africa, purchases a cargo of slaves, and ships them for a West India market. And what do we do? Why, sir, we seize the ship; condemn it as lawful prize; send the slaves back to Africa, and hang the Alexandrian as a pirate.

The other sends his agents through this district and the surrounding country—purchases "young and likely negroes from 8 to 40 years of age"—ships his cargo of human flesh to Florida or Mississippi, and sells the wretched beings into a servitude perhaps tenfold more cruel and hopeless than that which they left behind them—and what do we do with him? Nothing! No law denounces him as a pirate, and no public armed vessel arrests him on his way to the port of his destination. Indeed, through every part of this process, he proceeds under the protection of our laws; and when

"The same law that abolished the slave trade with foreign countries, (passed March 2, 1807,) expressly permits the trade, coastwise, in vessels of forty tons burthen and upwards. The 8th section makes provision for the delivery by the master of the slave-ship, to the collector of the port from whence it is to sail, "of a manifest of the cargo, whereupon the collector is to deliver to the master a permit, specifying thereon the number, names, and general description of such persons, [the slaves shipped,] and authorizing him to proceed to the port of his destination." The act then provides that the collector of the port of destination of such ship, shall, on the production of such "permit," also permit the "unloading" of the cargo which is described therein.

the whole is consummated, he rests secure in the enjoyment of his ill-gotten gains, and walks abroad in safety, "unwhipped of justice," and unscathed by the indignation of an abused and outraged community.—Sir, how much longer can we permit these things, and expect to escape the indignant and burning scorn of the civilized world.

And yet, what is all this, but a *part* of the "divine institution" of slavery? How naturally does it result from a system, by virtue of which men and women are "deemed and adjudged to be chattels personal, in the hands of their owners and possessors, their executors, administrators, and assigns, to all intents, constructions, and purposes whatsoever?"

But here again, I may be told that I do slave-holders great injustice—that there are thousands of them who hold the slave trade, and all the cruelties and abominations of slavery in utter abhorrence, and who ought to be exempted even from implied censure, on account of them.

Sir, there are thousands of slave-holders who do abhor the slave trade, and the cruelties and other practical abominations of slavery. I admit it, and rejoice to admit it. But yet, what are they doing? Why, sir, they are, as slave-holders, actually sustaining and upholding a *system*, from which all these cruelties and abominations, (and who can compute their aggregate amount?) including the slave trade itself, do naturally and necessarily flow. If there were nothing connected with the system of slavery, but whips and tortures, and forced labor to the last point of endurance, and the slave trade, with its horrors, slavery would sink, by its own weight. But the *institution*, with all its *accompaniments*, points to numerous of its friends, and says—behold the humanity, and kindness, and charity, and generosity, and justice, of these my supporters. Can I be what it is pretended I am, while *this* sustained?

Sir, it is the kind, the humane, the benevolent and the just, (just in every thing but slavery,) who are really responsible for the cruelties and abominations of slavery and the slave trade. If they would abandon slavery, it would fall. On them, therefore, rests mainly the responsibility of sustaining a system which is not only wrong in principle, but which, in spite of their wishes to the contrary, bears, and must continue to bear, the grapes of Sodom, and the clusters of Gomorrah.

POWER OF CONGRESS OVER THIS SUBJECT IN THE DISTRICT OF COLUMBIA.

Having thus answered the questions—what is *slavery*? and what is the *slave trade*? I proceed to consider the power of congress to abolish both, within the limits of this district.

It seems to me, that no man can look at these evils, in their real magnitude, without involuntarily, and earnestly asking—Is there no remedy? Is there no legislative authority competent to reach the case?—Must such evils continue to exist here forever?

Now, sir, I am among those who believe that these evils are not to exist here forever: and I maintain that there is a legislative authority competent to apply a remedy. Where is that authority?

In the first place, it is manifest that it does not exist in any of the states. It did exist in Maryland and Virginia, before their cession of this district; but it exists there no longer—those states having ceded the territory to the United States, and with it, "*exclusive jurisdiction of soil, and persons residing, and to reside, thereon.*"—And to render doubly certain the true intent and meaning of this transfer of jurisdiction, it is added, that it is "pursuant to the tenor and effect of the 8th section of the 1st article of the constitution of the United States." Turning to that part of the constitution, we find that it gives congress power "to exercise *exclusive* legislation in *all cases whatsoever*, over such district as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States!"

It is manifest, then, that Maryland and Virginia can exercise no more power in the "*cases*" of slavery and the slave trade in this district, than Massachusetts and Vermont. Nor have they any more right to ask to be consulted on these subjects than Massachusetts and Vermont; for it would be a glaring absurdity to require congress to consult those states, and ask them to give their "*consent*," when, in making their grant of exclusive jurisdiction, they have reserved no right to withhold it.

I have anticipated the answer to the question—where is the power to provide a remedy? It is in congress, fully and amply—without restriction or limitation. "*All cases whatsoever.*" Nothing can be broader. There is no "*case*"—that is, no subject matter upon which any human authority may rightfully legislate, which is not embraced within this grant.

It is sometimes intimated that congress have a right to legislate to the extent only of regulating the police of the district, with a view to their own security, and that of the executive government. But where is to be found such a limitation of the broad and sweeping terms—"all cases whatsoever?" If such a qualification had been intended, it would, certainly, have been somewhere at least intimated. But this is done, neither in the constitution, nor in the grants by the states of Virginia and Maryland, nor any where else.

But it is said that such a construction only is consistent with the *object of the grant* to congress of power to legislate for this district. If the terms used in the grant were of doubtful import, this latitude of construction might be permitted; but they are not. The terms—"all cases whatsoever," have no ambiguity, and admit, therefore, of no such explanation.

But what is the supposed exclusive object of the grant? The security of congress. And may not that security be affected by legislation having nothing of the character of mere police regulations? Take, for example, the very case now under consideration. May not that general legislation which shall affect the existence of slavery here, have much, *very much* to do with the security of congress?

As it is insisted that the clause of the constitution giving the power of "*exclusive* legislation in *all cases whatsoever*" shall be interpreted by a reference to something besides the terms of the grant, let us look a little at the construction given to it at the time the constitution was formed. I turn, for example, to the debates on the adoption of the constitution by the states, and take up the volume containing those of the Virginia convention. Gentlemen will not, certainly, object to my going to Virginia for authority on this subject.

On looking into these debates, I find that the clause now in question was objected to by several of the leading men in the convention, expressly on the ground that the power it conferred was *unlimited*. Mr. Mason said—"this clause gives an *unlimited* authority in *every possible case* within the district." Patrick Henry called it "*unlimited, unbounded authority.*" Mr. Grayson said that, "after mature deliberation, he could not find that the ten miles square was to be looked upon even as part of a state, but to be *totally independent* of all, and subject to the exclusive legislation of congress." There appears to have been but one member of the convention (Mr. Pendleton) who maintained that the power did not extend to "*every possible case* within the district."

And what said Mr. Madison to all this? He had before declared, in the "*Federalist*" (No. 43,) that the authority of congress at the seat of government was "*complete.*" And did he now deny the construction put upon the clause in question by Mr. Mason, Henry, and others? No, sir. Though he spoke several times on the question, he intimated no dissent from that construction. On the contrary, he manifestly admitted its correctness, by replying to the argument drawn from the danger of the "*unlimited, unbounded authority,*" that "there must be a particular cession, by particular

states, of the district to congress; and that the states may settle the terms of the cession," and "may make what stipulation they please in it." Mr. Nicholas took the same ground.

We have thus, sir, the authority of the leading men in the Virginia convention, including Mr. MADISON himself, in favor of the construction for which I contend.

If further Virginia authority is desired, I have one before me, of a much later date, in a report to this house of the committee on the District of Columbia, made by its chairman, Mr. POWELL, a distinguished member from Virginia, in January, 1827; in which he said—"the congress of the United States has, by the constitution, exclusive jurisdiction over this district, and has the power upon this subject, (the imprisonment of free negroes as runaways) as upon all other subjects of legislation, to exercise unlimited discretion." *Unlimited* was the very term applied to the power of congress here, by Patrick Henry in the Virginia convention, forty years before.

It would be a waste of time, to cite further authorities—which I might easily do—in support of the position that congress have power to legislate on the subject before us.

IS THE ABOLITION OF SLAVERY WITHIN THE COMPETENCY OF ANY LEGISLATION?

But it is sometimes said, that, though congress have the power of exclusive legislation, "in all cases," yet this must be understood to mean all cases *proper for legislation*; but that the abolition of slavery is not within the competency of any legislation.

Not within the competency of any legislation? What has the civilized world been doing for the last half century? Not to speak of those governments in Europe in which the institution of slavery has been indirectly assailed by the supreme power, let me point the objector to the history of Great Britain during that period. Fifty years ago slavery, as it now exists in our own country, existed in the colonies of that empire; while an unrestrained trade in slaves was carried on between the coast of Africa and those colonies. Now, that trade in slave piracy, and slavery is abolished throughout the British dominions. And all this has been effected by *legislative power*—a power which the objector assumes, is not competent to abolish slavery. The same power has been exercised by the governments of all the South American states, Brazil excepted, and by Mexico.

So, too, in our own country, slavery has been abolished by the governments of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. It has not been abolished in Vermont, for Vermont never had any to abolish. No, sir; thank heaven, the foot of a slave, held by authority of that state, never trod her soil; nor, let me add, did the heart of a slave ever beat in the bosom of one of her sons.

To these examples I add that of this nation itself. In the first place, we have *abolished slavery on the ocean*. Our acts abolishing the foreign slave trade are, clearly, acts of emancipation. We enter a vessel of one of our citizens, on the high seas, take the slave which he has purchased in Africa, and set him at liberty. What is this but *emancipation*? What but the abolition of slavery in one of its multiplied forms of outrage on human rights?

We also abolished slavery by the ordinance of 1787, in the territory northwest of the river Ohio. The 6th of the "articles of compact" of that ordinance, declared "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes." It is well known that there were slaves in that territory at the date of the ordinance, who were emancipated by it; and that, too, without compensation.

It is worthy of remark that the preamble to those six "articles of compact," declares that they are established

for the purpose of extending the *fundamental principles* of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected," and "to fix and establish *those principles* as the basis of all laws, constitutions and governments, which, forever hereafter, shall be formed in the said territory." It was for *such* a "purpose" that slavery was forever banished from the territory; and this, be it remembered, was the solemnly declared purpose of *every state* in the union—the vote for the ordinance having been *unanimous*—with the exception of one voice—in the congress of 1787.*

And is it for us to say, after all this, that it is not within the competency of legislation to abolish slavery?

I might add numerous individual authorities, but my limits must restrain me. I cannot, however, omit the authority of WASHINGTON, which is most clear and explicit. In writing to Robert Morris, on the 12th of April, 1786, he said—"There is not a man living, who wishes more sincerely than I do, to see a plan adopted for the abolition of slavery; but there is only one proper and effectual mode by which it can be accomplished, and that is, by *legislative authority*; and this, as far as my suffrage will go, shall never be wanting." On the 10th of May, 1786, he thus writes to La Fayette—"It (abolition) certainly might, and ought to be effected, and that, too, by *legislative authority*." In a letter to John Fenton Mercer, of September 9, 1786, he said—"It is among my first wishes to see some plan adopted by which slavery in this country may be abolished by *law*." In a letter to John Sinclair, he says—"There are, in Pennsylvania, laws for the gradual abolition of slavery, which neither Maryland nor Virginia have, at present; but which nothing is more certain than that they *must have*, and at a period not remote."

Let me specially commend the authority of Washington to the attention of those who say that, if slavery is let alone, it will, in due time, be abolished by voluntary emancipations. "There is (says that great man) *only one proper and effectual mode* by which it can be accomplished, and that is by *LEGISLATIVE AUTHORITY*." Washington reasoned right. Slavery will never be abolished—it never has been, in any country—until the strong hand of legislation is fastened on it.

Such, sir, are some of the examples and authorities which sustain my position that the abolition of slavery is within the competency of the law making power.

But are examples and authorities necessary to sustain this position? Is there not something *within every man*, which tells him that the inviolability of property in human beings cannot stand upon the same ground as that of property in the things that God has given to man for his ownership and dominion? Yes, thank heaven, there is *that* in man. It is the natural sense of justice which God has implanted in the human bosom. It is conscience, with its silent, steady, searching influence. What else is it that so often visits the couch of the dying slave holder, and dictates the emancipation of his slaves? What, but a conviction that *all is not right* in the relation which death is about to sunder. If, then, the legislature of a state dissolves that relation, it does but respond to a feeling which plants thorns upon many a slave holder's pillow, and, following him to the verge of life, compels him to release his grasp before he goes to his final and fearful account.

The sense of justice of which I have spoken, has its foundation in the *great law of right* which was impressed upon the heart of man at his creation; which was re-enacted in the decalogue; and finally summed up in

*This idea of excluding slavery from the northwest-territory, seems to have been first brought out by Mr. Jefferson, in 1784, in his report as chairman of a committee of congress, of a plan for the government of the western territory. It was not then adopted, but, three years afterwards, it found a place in an ordinance which may be ranked among the very first, in point of importance, that was ever adopted by an American congress.

a single comprehensive precept by the Saviour of man. It is to this that the world is indebted for all the ameliorations of the social state, with which the progress of christianity has been signalized—and in nothing more signalized, than in EMANCIPATION—emancipation of mind; emancipation of spirit; emancipation of the press; and, as an inevitable consequence, emancipation from slavery. I say, *inevitable*, because slavery can no more stand before a FREE PRESS, than could the Dragon of the Plagues in the presence of the Ark of the Almighty.

Wherever christianity has carried its triumphs, have the social and civil institutions of men felt the influence of this great law of eternal justice. It is this which forms the basis of the English common law, and which was so fearlessly applied by Lord Mansfield sixty-five years ago in the case of Somerset, in which he said—

"The state of slavery is of such a nature, that it is incapable of being introduced on any reasons, moral or political, but only positive law, which preserves its force, long after the reasons, occasion, and time itself, from whence it was created, are erased from memory. It is so odious, that nothing can be suffered to support it, but positive law."

It was the same great law of right, which formed the basis of the declaration of our independence; which was incorporated in most of the state constitutions; which was recognised in the ordinance of 1787; which was re-enacted in the emancipation laws of numerous states of this union; and which was expounded by Franklin and Jefferson, in the papers I have been permitted to read. It was the same, too, which gave warmth and energy to the fearless eloquence of Pinkney, in a speech in the Maryland house of delegates, in 1789, in which he said—"By the eternal principles of natural justice, no man in the state has a right to hold his slave in bondage for a single hour."

But, Mr. Speaker, while emancipation has been thus advancing, there are a class of objects which it has not reached, and I trust, never will reach. It has not dissolved the *natural relations*. None who deserve to be named, think of emancipating children from the control of parents, or of abolishing the marriage institution, or of annulling the laws which protect the acquisition, enjoyment, and inheritance of property. On the contrary, as emancipation has progressed, have the *domestic relations*, and the *rights of property* come to be held more sacred, and to be protected by new and more substantial safeguards.

The errors prevalent in regard to the right of the law-making power to abolish slavery, arise from not considering the *real foundation* on which slavery rests.

Slavery is the mere creature of positive law. The law of "natural justice"—older than human laws, and paramount to them all—condemns it. Without the support of positive law, it stands as a mere usurpation. It may indeed shelter itself under the power of law; but that power is as clear a usurpation, as the slavery it protects. It is a mere attempt to sustain one wrong, by the perpetration of another. It is precisely the same, *in principle*, as though the law-making power should undertake, by statute, to sanction the violation of female chastity, or the taking of human life without the commission of crime; for a man's right to be protected in his *liberty*, rests on precisely the same foundation, as his right to the security of *life*; and the right of a woman to exemption from slavery, is as complete as her right to immunity from any other personal violation.

Now, what is it to abolish slavery? It is, to repeal the *positive laws* which sanction it—in other words, to repeal the laws which have repealed the *eternal law of justice*, and to restore that law to its full force. This is *abolition*. Slavery would be thus left, where positive law found it—*without support*. The law of nature will not sustain it; for every line of that law pronounces its condemnation. The common law will not: for that is based on the great law of natural justice, which permits no man to be held as property. "By the common law," (says lord chief justice Holt,) no man can have property in another." And lord Mansfield, in the

case to which I have referred, rested the liberation of the slave on the same foundation.

I maintain, then, that it is within the competency of legislative power to abolish slavery. There *must*, indeed, be such a power in civil government, or the institutions of the social state will have signally failed of accomplishing the great ends of their existence.

If I have succeeded in proving that congress has a right to abolish slavery in this district, I have, of course, proved its right to abolish the *slave trade*. Both rights rest essentially on the *same foundation*—the absence of all just title to property in man. The slave trade makes a stronger appeal to our sensibilities, but not to our sense of justice. The right to abolish it, involves the right to abolish slavery. One is the parent—the other the offspring. Wrong—clear, undeniable wrong, stamps the character of both.

OBJECTIONS TO THE EXERCISE OF THE POWERS OF CONGRESS OVER THIS SUBJECT, CONSIDERED.

Having shown the power of congress over this subject, I proceed to consider some objections to the exercise of the power.

NO PETITIONS FROM THE DISTRICT OF COLUMBIA.

It is said that we ought not to abolish slavery, and the slave trade here, because the people of this district have not petitioned for it. The argument is, that, as their interests are involved in this matter, their consent, by way of petition, is to be regarded as a condition precedent to our legislation.

Now, sir, carry out this objection to its legitimate results, and what becomes of our exclusive jurisdiction here? We thought that the power to legislate for this district, had been given us by the people of the *United States*, in the constitution. But we now find that the exercise of that power is to depend upon the people here; and that it is their *petition* they are to give us jurisdiction, and not the constitution. We thought that the power was given us, for the purpose of rendering Congress independent upon a local power surrounding its capital; and yet we now find that we cannot move a step without the consent of that power.

Do you say that the principle contended for, applies only to the present case? Why to this case only? Is it because emancipation affects the interests of the people here? What legislation touching this district, does not affect their interests? And if their consent is to be obtained in this case, in what case must it not be obtained?

The truth is, the framers of the constitution intended to make congress *entirely independent* of the people of this district. You may, if you please, call this an absolute government. But call it what you will, it is just such a government as the constitution provides; and it cannot be any other than it is, without subverting the great design of the constitution in providing for a separate territory as the capital of the United States.

And congress has uniformly proceeded on this ground, in exercising its powers of legislation here. The history of that legislation for five and thirty years, does not present a single case in which the ground now taken has been assumed. Why, sir, look at the legislation now in progress in another branch of congress, touching the suppression of the circulation of small notes in this district. Though it is a measure deeply affecting the business and the interests of the people here, no one has thought of inquiring whether they have asked us to adopt the measure.

But, petitions have come up to us from this district, on this very subject. I have already referred to a memorial presented but a few years ago, signed by more than *seven hundred* citizens of the district—many of them men of great respectability, and many of them slave-holders—most earnestly and eloquently imploring congress to abolish both slavery and the slave trade here. That memorial is among the printed documents of this house; and it speaks out on the subjects of slavery and the slave trade, with a boldness and earnestness becoming their transcendent importance.

IMPLIED FAITH PLEDGED TO VIRGINIA AND MARYLAND, ON THE ACCEPTANCE OF THE CESSIONS OF THE DISTRICT OF COLUMBIA.

It is said, in the next place, that congress ought not to abolish slavery and the slave trade here, because it would be a violation of faith pledged to Virginia and Maryland on the acceptance of the cessions of the territory composing this district. The objection seems to rest, in the first place, on the assumption that the action of congress would excite hopes of emancipation among the slaves in Virginia and Maryland, and therefore, produce discontent, and encourage insurrection. Now, I admit the premises but deny the conclusion. I admit that the abolition of slavery here, would excite hopes of emancipation in the neighboring states, because its tendency would be to increase the disposition already felt in them, to abolish slavery. But would this tend to insurrection? Not at all; unless it be an insurrection of the generous feelings of our nature, among the holders of slaves. Is this the insurrection that gentlemen fear? Are they afraid of being convinced that it is wrong to hold human beings as property, and right and safe to emancipate them to the privilege of men? To any other kind of insurrection than this, I deny that it has any tendency. Insurrection! massacre! murder! Are these the offspring of hope? Nay, but of despair. What will give such strength to the human arm, or obduracy to the human heart, as despair. But mercy—kindness—compassion—justice! Did these, or the hope of them, ever turn a human heart to adamant, or nerve a human arm for vengeance?

You may remind me of St. Domingo; for that is the standing bug-bear to frighten from every attempt at emancipation. But what of St. Domingo? What but an illustration of the correctness of what I have just asserted? It was not emancipation, or the hope of it, but an attempt to reduce the emancipated back to bondage, that led to scenes which have given to the name of insurrection so deep and enduring a horror.

A refutation of the argument drawn from apprehended insurrection, is furnished in the entire absence of any manifestation of such a spirit, in the states bordering on the free states, since the agitation of the slavery question commenced. Never have the slaves in those states manifested less disposition to insurrection, than during this period. In indulging apprehensions of insurrection—if indeed they are really indulged—it seems not to be considered that the example of emancipation acts, not merely on the mind of the slave, but, with great force, on the mind of the slave holder; tending to produce in him a conviction that emancipation is safe, and that slavery is wrong. The consequence will be (I will not insult the slave holder by supposing the contrary) more kindness on the part of the master, and, as a consequence of this, and the hope of ultimate deliverance, more contentment on the part of the slave.

But there is another consideration which seems not to enter into the conceptions of the alarmists. It is the security from insurrection furnished by abolitionists themselves. Regarding them as friends, the slaves have confidence in them, and will listen to their advice. And who does not know that wherever their voice can reach the slaves, it is heard in earnest admonitions to suppress all disposition to insurrection, and wait for deliverance from the voluntary action of their masters, or the exertion of legislative power? An illustration of this is presented in the proceedings of the anti-slavery society of the state of Pennsylvania in February, 1837, when it was "resolved, that we earnestly recommend the colored people, both bond and free, to fulfill all their moral, social and religious duties, and thus show to the world that they deserve to be free."

As it is thus apparent that insurrection is not to be apprehended, (unless an increase of light, and stronger appeals to the sense of justice of slave holders should enhance the oppressions of slavery, which I am unwilling to admit) I am justified in assuming that the whole of this extraordinary claim in behalf of Virginia and Maryland is prompted by the consideration that aboli-

tion here may exert an influence on the public mind in those states favorable to abolition there.

The whole of the implied pledge amounts, then, to this,—that congress will refrain from doing justice to those under its exclusive jurisdiction, because by the mere force of its example, Maryland and Virginia may be induced to go and do likewise. A more unreasonable and absurd proposition in regard to the action of this government, it seems to me, cannot be affirmed.

In considering the subject of this implied pledge, it will occur to every one, on a first view of the subject, to ask—why should a claim, involving such a reservation in favor of Virginia and Maryland, and imposing such a restriction on the action of congress, have been left to such a general implication? Why was there no reservation so that effect, expressed in the acts of cession? or why, at least, was there not something expressed in them, from which such a reservation might be reasonably and fairly inferred? The subject of reserving rights was not unconsidered in making these cessions. Both of them contain a special proviso—"that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall, or may be transferred by such individuals to the United States." Why was it not added—nor to vest in the United States any right to abolish slavery and the slave trade within the limits of the ceded territory?

There was, certainly, more need of making this reservation, expressly, if such a reservation was intended or desired by the ceding states, than to make the reservation that was made; because the general grant of "exclusive jurisdiction in all cases whatsoever" plainly included the power to abolish slavery; while there was nothing in the terms or nature of the cessions, which could, without a reservation, "affect the rights of individuals," to the soil. The proviso to which I have referred was introduced out of abundant caution. How came that abundant caution to overlook the case now in question? The abolition of slavery was then well understood to be within the competency of legislative power; and "exclusive jurisdiction in all cases whatsoever," manifestly included the "case" of the abolition of slavery; and yet, while a proviso was introduced into the cessions, reserving rights which really needed no reservation, there was an absence of any attempt to introduce a reservation in favor of slavery, which really was needed, to save it—if it was to be saved—from being drawn within the grant of "exclusive jurisdiction in all cases whatsoever."

The absence of all attempt to make a reservation upon the point in question is rendered the more significant and conclusive, by the fact, that, in the debates in the Virginia convention, on the adoption of the constitution, Mr. Madison, in reply to objections drawn from the supposed grant by the constitution of unlimited authority over the "ten miles square" said—"there must be a particular cession by particular states, of the district to congress, and the states may settle the terms of the cession, and may make what stipulation they please in it." This suggestion seems to have satisfied Virginia jealousy, in regard to the powers granted by the constitution to congress, over the district. This debate was in 1788. In the very next year, the cession was made by the legislature of that state—a body which

* I confess my inability to perceive the force of this remark of Mr. Madison; for, although the "particular states" might make what stipulations they pleased in their cessions of the "ten miles square," yet the consequence of such stipulations as should impose a restraint on the constitutional power of congress to "exercise exclusive jurisdiction in all cases whatsoever," could only be to render such cessions ineffectual and void—congress having no power to accept a cession which should not be in pursuance of the 8th section of the 1st article of the constitution, which provides for such "exclusive legislation." But Mr. Madison's declaration is good for the purpose of my argument; for, if it

contained, of course, a large number of the men who had composed the convention of the previous year. And yet, though we find the legislature acting on Mr. Madison's suggestion, so far as to make a reservation in regard to "any right of property in the soil," not a word was introduced into the act of cession restricting, or having the least tendency to restrict, the right of legislating on the subject of slavery.

Thus, then, we find that all restriction on the power of congress in favor of slavery was omitted from the acts of cession, under circumstances plainly showing that the omission was not inadvertent or accidental; while the relinquishment of jurisdiction by Virginia and Maryland, and the grant of power to congress in the constitution, are couched in terms so clear and unequivocal, as to admit of no possible construction, excluding the power in question. And yet, in face of all this, it is now gravely contended that there was an implied pledge on the part of the United States, by the mere act of accepting these cessions, not to exercise a power clearly granted in the constitution, and which, in making the cessions, Virginia and Maryland most significantly omitted any attempt to control.

Equally preposterous does the pretension of "implied faith" appear, when we consider the reasons which induced the grant in the constitution of "exclusive jurisdiction," and the extent to which the principle involved in the pretension may be carried. To the first, I have already adverted; and it must be apparent to all, that such an "implied faith" would, in its whole tendency, be subversive of the purpose for which the constitution provided a "ten miles square," for the seat of government. It would place congress in the most humiliating position imaginable; for, when the claim now set up is stripped of its vague generalities, and presented in a definite form, it asks this government, upon every proposition to abolish slavery in this district, to the supreme governments of Virginia and Maryland for leave to act in the premises. Nor is the principle which works this strange result, necessarily confined to the case of slavery; but it applies to every proposition to do any thing affecting by possibility, the interests of those states. Now, there are a great variety of cases in which those interests may be affected by the general influence of our legislation for the district—such, for example, as the regulation of the currency of the district; and a prohibition of various immoral practices—as the sale of lottery tickets, gambling, horse racing, and the like; and also a prohibition of duelling. So, too, in the punishment of crimes,—as if we should abolish the punishment of death, and greatly mitigate other punishments. Any one can see, at a glance, how very much the pecuniary interests of Virginia and Maryland, as in the case of the currency, and their legislative, as in the other cases, might be affected by the constitutional action of congress in regard to the district.

Take another case—that of imprisonment for debt; (a remnant of barbarism, and fit to hold companionship with slavery); and suppose we were to abolish that. Why, forthwith, up rises the objection I am considering, in another form, and demands, in behalf of Virginia and Maryland, that we shall desist. "Hands off," says the objector. Remember your "implied faith." You are interfering with Virginia and Maryland "institutions;" for we have been accustomed, "time whereof the memory of man runneth not to the contrary," to cast our debtors into prison, and not let them come out thence, until they have paid the uttermost farthing. How can we live without the enjoyment of this right? We shall be ruined; and the debtor part of our communities will rise in rebellion, and tear down our jails, which we have been at so much expense in erecting.

was understood that a limitation might be imposed in the cessions, so as effectually to restrain the power of congress, the omission to introduce such limitation became most conclusive evidence of a willingness that congress should exercise the power without limitation.

Whether, then, we consider the terms of the cessions by Virginia and Maryland; the omission by those states of any attempt to impose restraint on the power of exclusive legislation by congress; the obvious purposes for which that power was granted; or the extent to which the principle of the objection might, if carried out, be applied—we come to the conclusion that there is no foundation for the claim, that we are prohibited, by an implied pledge, from acting on the subject before us.

A further and conclusive argument may be drawn from a consideration of the peculiar circumstances under which the cessions were made, and the state of feeling in Virginia and Maryland on the subject of slavery, at the time they were made.

It is well known that the question with regard to the location of the seat of government was, for a long time, sharply contested in congress—Pennsylvania, Delaware, Maryland, and Virginia, each claiming the privilege of having it within their respective limits—the two latter urgently pressing for a decision in favor of the location at this place. Of the fifty-nine members of the first congress, thirty-four were from the states north of Virginia and Maryland; in all of which, as well as in Virginia and Maryland themselves, there existed a strong anti-slavery feeling. What, in such a state of things, would have been the result of a proposition on the part of Virginia and Maryland, to incorporate a "stipulation" in favor of slavery, in the acts of cession? Most undoubtedly a rejection of the proposition to locate the seat of government here. Nobody can doubt this; and none can doubt that Virginia and Maryland perfectly understood it. They had no disposition, then, to claim that the power of abolishing slavery should be excepted from the grant of exclusive power to legislate in all cases; and they had as little disposition to talk of an implied understanding to that effect. Sir, if they had done either, we should now have been conducting our deliberations within the limits of the Key-Stone State.

But independently of a desire to obtain the location of the seat of government here, there existed too strong an anti-slavery feeling in Virginia and Maryland, to admit of any attempt to make a "stipulation" in the cessions, in favor of slavery. This fact deserves the most serious consideration: for the question is, not what Virginia and Maryland would now have to be expressed or understood, if the cessions were now to be made, but what was the understanding then, when the cessions were made?—or, what circumstances existed, from which a pledge of any kind, in favor of slavery, can be inferred?

To show the extent and strength of the opposition to slavery in Virginia and Maryland, at that time, let me refer to the well known opinions of some of their leading public men. WASHINGTON, as I have already shown, not only expressed his decided hostility to slavery, but took the high ground of declaring that it ought to be abolished by law, and that, at a period "not remote." JEFFERSON, in his letter to Doctor Price, to which I have already referred, said—"this (Virginia) is the next state to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice and oppression; a conflict in which the sacred side is gaining daily recruits from the young men who have sucked in the principles of liberty with their mothers milk." In his notes on Virginia, written in 1781, he says—"I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating; that of the slave is rising from the dust; his condition mollifying, and the way, I hope, preparing, under the auspices of Heaven, for a total emancipation." Mr. MADISON said, in the first congress, on the presentation of memorials from abolition societies touching the slave trade—"It is to be hoped that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves." Mr. PATER, of Virginia, said, in the same debate—"He hoped congress would do all that lay in their power to restore to human nature its inherent privileges, and, it

possible, to wipo off the stigma which America labored under. The inconsistency in our principles, with which we are justly charged, should be done away, that we may show by our actions, the pure beneficence of the doctrine we hold out to the world in our declaration of independence." PATRICK HENRY said in the debates in the Virginia convention, on the adoption of the federal constitution—"Another thing will contribute to bring this event (the abolition of slavery) about.—SLAVERY IS DETESTED. We feel its effects; we deplore it with all the pity of humanity." In 1777, Jefferson, Pendleton, Wythe, Mason, and Lee, were appointed by the legislature of Virginia, a committee to revise the laws of the state; and, in the discharge of their duty, they agreed to propose, as an amendment to a bill they had reported concerning slaves, a plan for the gradual abolition of slavery. It was finally concluded, not then to bring forward the proposition; it having been found, as Mr. Jefferson declared, that the public mind would not yet bear it. "Yet, (said Mr. Jefferson,) the day is not distant, when it must bear, and adopt it, or do worse. Nothing is more certainly written in the book of fate, than that these people are to be free."

The same disposition in regard to slavery was manifested by PINKNEY, MARTIN, and other leading men of Maryland. The following, from a speech of Pinkney, in the Maryland house of delegates, in 1789, is a specimen of the freedom and boldness with which slavery was assailed at that period. It shows how strong were the workings of his great mind, and how vigorous the pulsations of his noble heart, while contemplating the wrongs inflicted on the African race, and their shameless inconsistency with our professed devotion to the cause of freedom.

"Sir, (said Mr. P.) let gentlemen put it home to themselves, that after Providence has crowned our exertions in the cause of freedom with success, and led us on to independence through a myriad of dangers, and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms, and lose all sense of that interposition of Heaven, by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils, and fancy that we feel a reverence for her dictates—we may declaim, with all the vehemence of animated rhetoric, against oppression, and flatter ourselves that we detest the ugly monster—but so long as we continue to cherish the poisonous weed of partial slavery among us, the world will doubt our sincerity. In the name of Heaven, with what face can we call ourselves the friends of equal freedom, and the inherent rights of our species, when we wantonly pass laws inimical to each—when we reject every opportunity of destroying, by silent, impereceptible degrees, the horrid fabric of individual bondage, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion? * * *

"Is it, Mr. Speaker, because the complexion of these devoted victims is not quite so delicate as ours—is it because their untutored minds (*humbled and debased by the hereditary yoke*) appear less active and capacious than our own—or is it because we have been so habituated to their situation as to become callous to the horrors of it—that we are determined, whether politic or not, to keep them, till time shall be no more, on a level with the brutes? For 'nothing,' says Montesquieu, 'so much assimilates a man to a brute, as being among freemen, himself a slave.'

"Call not Maryland a land of liberty—do not pretend that she has chosen this country for an asylum—that here she has erected her temple, and consecrated her shrine—when here, alas, her unhallowed enemy holds his hellish Pandemonium, and our rulers offer sacrifice at his polluted altars. The lily and the bramble may grow in social proximity—but liberty and slavery delight in separation."

Referring, in the same speech, to the condition of slaves, as "life mere goods and chattels of their masters," Mr. Pinkney said (what I have before quoted)—"Sir, by the eternal principles of natural justice, no master in

the state has a right to hold his slave in bondage a single hour."

Such was the language of leading men of Virginia and Maryland, at, and immediately preceding, the period when an implied pledge to *perpetuate slavery* is sought to be attached to an acceptance from those states of the cession of this district. But I have yet further evidence of the tendency of public opinion in these states, at that period. I have had occasion to refer to the memorial to congress in 1790, of an abolition society in Pennsylvania, of which doctor Franklin was president. But was Pennsylvania the only state which contained an abolition society? And was doctor Franklin the only distinguished man connected with such a society? No sir; far from it. Besides the abolition society of Pennsylvania, there were societies of this description, not only in Connecticut, New York, and New Jersey, but in Delaware, Maryland, and Virginia! They were state societies, with numerous auxiliaries; and had connected with them, such men as SWIFT and TRACY, of Connecticut—JAY and HAMILTON, of New York—Governor BLOOMFIELD, of New Jersey—FRANKLIN and RUSH, of Pennsylvania—BAYARD and RODNEY, of Delaware—CHASE and MARTIN, of Maryland, and McLEAN, ANTHONY, and PLEASANTS, of Virginia.* It is remarkable that the Maryland and Virginia abolition societies were formed in 1783, and 1791, almost exactly contemporary with the cessions, and acceptance, of the territory forming this district.

And now, sir, to show you something of the principles and purposes of these societies, let me call your attention to the following extract from one of their memorials to congress. I quote from a memorial of the abolition society of the state of Virginia.

"Your memorialists, fully believing that righteousness exalteth a nation, and that slavery is not only an odious degradation, but an *outrageous violation* of one of the most essential rights of human nature, and *utterly repugnant* to the precepts of the gospel, which breathes peace on earth, and good will to men, lament, that a practice so inconsistent with true policy, and the inalienable rights of man, should subsist in so enlightened an age, and among a people professing that all mankind are, by nature, equally entitled to freedom."

Such, Mr. Speaker, are some of the evidences which exist, of the state of public feeling, on the subject of slavery, about the period of the cessions and acceptance of this district—especially in Virginia and Maryland. And is there any thing in all this to justify the pretension now set up, of an implied pledge to those states in favor of slavery in the ceded territory? No sir. Nothing can be more absurd. Every thing connected with the history of those times utterly forbids such an implication. Indeed, if we were to go aside from the language of the acts of cession, and seek elsewhere, for grounds on which to rest an implied pledge, should we not be driven to an opposite conclusion? Would not the implied pledge be found to be, rather that we *would*, than that we would not abolish slavery in this district? It seems to me it would. How did the matter stand? Virginia and Maryland were about to part with their power to abolish slavery in this district; and if the question had been put to Washington, Jefferson, Madison, Henry, Pendleton, Wythe, Mason, Lee, Pleasants, Pinkney, Martin, and the numerous other men who were giving tone to public sentiment in favor of abolition, whether they would have a stipulation to *restrain* congress from acting on the subject here, who can doubt that they would have instantly said, *no*; we will neither propose nor agree to any such stipulation. If congress shall be disposed to abolish slavery in the district, let them do it. There will then be another example added to that of Pennsylvania, to induce Virginia and Maryland to do right. That such would have been their language, it is impossible to doubt. And yet, gentlemen now talk of an implied pledge, that congress would not even begin to

* WILLIAM HENRY HARRISON, now general Harrison, of Ohio, was a member of the Virginia abolition society, being then a citizen of that state.

abolish slavery in this district, *fifty years* after general Washington said that the example of the abolition by Pennsylvanians must be followed by Virginia and Maryland "at a period not remote!"

SUPPOSED CONSTITUTIONAL GUARANTY IN FAVOR OF SLAVERY.

There is another objection, somewhat allied that just considered, which I must notice. *The constitution*, it is said, contains a *guaranty in favor of slavery*. Under this supposed guaranty, it is contended that this government is bound to refrain from all legislation tending to impair the security and stability of that institution; and not only so, but that it is bound to interpose its shield against all influences from the non-slave-holding states, having that tendency.

The first thing that strikes the mind, on looking at this objection, is the magnitude of the claim involved in it—A GUARANTY OF THE SECURITY AND STABILITY OF SLAVERY! And this guaranty is claimed to be part of a constitution, formed at the close of a seven years war, waged in defence of the principle that all men are created equal—a guaranty, involving disabilities, and obligations, on the part of this government, then unknown to the constitution of any state in the civilized world!—a guaranty, which, to become effectual, must shut up the fountains of thought—command men not to reason—disperse their peaceable assemblies—seal their lips—seize their pens—manacle their presses, and shut out their prayers from the ears of their representatives in the halls of legislation!

What a guaranty! Where is it to be found? We are told it is a constitutional guaranty. It should, then, be found in the constitution; not in obscure intimations—not in far-fetched, labored constructions; but in clear, distinct, and well defined stipulations. Where are they?

Other limitations on the power of congress, and guaranties in favor of particular rights, are clearly stated. The first article of amendment prohibits congress from making any religious establishment—from restraining the people in the free exercise of their religion, and from abridging the freedom of speech and the press, and the right to assemble and petition for a redress of grievances. There are, also, in the subsequent amendments, numerous other restrictions in favor of the rights of the people. Why was the guaranty in favor of slavery, now relied on, omitted? Let it not be said that it is contained in that amendment which prohibits the taking of "private property for public use without compensation." Nobody thought of that as applicable to the case of slavery; for, in the first place, the constitution no where speaks of slaves under the denomination of "*private property*," but as "*persons held to service*;" and in the next place, abolition does not take them as "private property for public use," as it would, if it drove them from private plantations to public works; but it takes from the usurpations of slavery the protection of law, and restores to men their "private property" in themselves.

The power to abolish slavery was never more fully understood to be within the competency of legislation, than at the time the constitution was formed; and no body had ever heard abolition spoken of as the "*taking of private property for public use*." Why, then, if it was intended to restrain congress from abolishing slavery, in the exercise of its otherwise unlimited power of legislation for this district, was not the restriction made in terms natural and appropriate to such a purpose? So, too, the freedom of speech and of the press was never more fully exercised against slavery than at that

time; and why was not the anti-slavery exercise of that freedom excepted from the solemn guarantee of it in the article of amendment to which I have alluded?

Mr. Speaker: there is no wonder that the constitution contains no trace of the pretended guaranty in favor of slavery. It would present one of the greatest absurdities upon the face of the earth. What greater absurdity could there be than a Union composed of states having five constitutions, every one of which guaranties freedom of speech and of the press—with a prohibition of the free interchange of thought and feeling between its members, incorporated in the very law of its creation!—a prohibition rendering the members of the confederacy, in fact, more foreign to each other, than either of them are to the nations of another hemisphere! What a Union! Sir, the statesmen of '87 never dreamed of such a union. The conception did not enter the mind of one of them.

But, Mr. Speaker, we are told that the constitution was founded in a spirit of concession and compromise in regard to slavery, and that there was in this a sort of guaranty to the South against any legislation on the subject for this district, and any discussion of it by the people of the non-slave holding states. I know, sir, there was concession and compromise in the formation of the constitution; and I know who have the benefits of them. They are the slave holding states. Under the constitution, they enjoy—what they had not without it, and what they will lose if they give it up—the right to reclaim, within the free states, their fugitive slaves; and also the right to claim the power of the union to protect them from "domestic violence." They obtained also in the "compromise," a right to have three-fifths of their slave property included in the basis of representation.

Now, sir, are not these concessions—with the exclusive power retained by the slave states over the subject of slavery within their limits—enough, in all good conscience, to be made in favor of slavery? Must the spirit in which they were made be urged as the foundation of a claim for still further concessions?—concessions, in fact, that were not even suggested when the constitution was formed? Who then asked that the freedom of Speech, and of the Press, and of the Post Office should be abridged in favor of slavery? No body. Such a proposition would have been responded to by a NO that would have reverberated from one end of the continent to the other. And yet we are now called on to yield all this—to sacrifice, moreover, the right of the people to petition, and surrender our own right to banish slavery and the slave trade from this Capital of the republic—all in the spirit of concession and compromise which formed the constitution!

Mr. Speaker: this claim of "concession and compromise" will never stop, till it has made slaves of us all. It demands every thing, and gives nothing. It cannot defend slavery, and therefore demands that nobody shall assail it! *Concession* truly! Sir, I yield to none in my desire for peace and harmony; but they may be purchased at too dear a rate. In this case, the demand is too exorbitant—the price too great. I cannot pay it. My constituents cannot. The north cannot—it ought not—it will not.

While considering the extraordinary claim that congress shall not exercise one of its most obvious powers—that of abolishing slavery in this district—because it may weaken the institution of slavery, and countenance its abolition elsewhere, I have been struck with the ground taken by Mr. Madison, in the debate in the congress of 1789, to which I have referred. That debate, it will be remembered, was upon a memorial of Dr. Franklin, president of the abolition society of Pennsylvania, praying, among other things, that congress would "step to the verge of the power vested" in it, for discouraging the traffic in slaves. Mr. Madison "admitted (says the report of that debate) that congress is restricted by the constitution from taking measures to abolish the slave trade. Yet there are, (said he,) a variety of ways by which it could countenance the abolition; and regulations might be made, in relation to the introduction of them into the new states to be form-

*At the time of the adoption of the federal constitution, there was not a state in the union whose constitution prohibited the abolition of slavery by the legislature. Since that time, in the progress of improvement, such a prohibition has been introduced into the constitutions of the following states, namely: of Georgia, in 1798; Kentucky, in 1799; Mississippi, in 1817; Alabama, in 1819; and Arkansas, in 1836.

ed out of the western territory. He thought the object well worthy of consideration."

These charges, though restricted from abolishing the foreign slave trade with the states, as it now is, from abolishing slavery in them, might, nevertheless, according to Mr. Madison, "in a variety of ways, countenance the abolition of the trade."

"Apply this to the present case. How would Mr. Madison reason, if he were here. He would admit, as we all do, that congress has no power to abolish slavery in the states, any more than it had to abolish the foreign slave trade in 1793; but he might say, as he then said—"there are a variety of ways by which it can countenance the abolition"—such, for example, as the abolishing of slavery in the District of Columbia, and the other territories, and prohibiting the slave trade here, and the commerce in slaves, between the states.

The same ground, substantially, was taken by Mr. Madison at the previous session of congress, in the discussion of the bill laying duties on imports. Upon a proposition made by Mr. Parker, of Virginia to amend the bill, by inserting a clause, imposing a duty of ten dollars on each slave imported, it was urged by Mr. Jackson, of Georgia, that the operation of such a tax would be particularly injurious to that state, which very much needed the importation of slaves. Mr. Madison, in reply, said:

"The dictates of humanity, the principles of the people, the national safety and happiness, and prudent policy require it of us. The constitution has particularly called our attention to it; and of all the articles contained in the bill before us, this is one of the last I should be willing to make a concession upon, so far as I am at liberty to go, according to the terms of the constitution, or principles of justice. * * * * It is to be hoped that, by expressing a national disapprobation of this trade, we may destroy it and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves. I do not wish to say any thing harsh to the hearing of gentlemen who entertain different sentiments from me, or different from those I represent; but if there is any one point in which it is clearly the policy of this nation, so far as we constitutionally can, to vary the practice obtaining under some of the state governments, it is this. But it is certain a majority of the states are opposed to this practice; therefore, upon principle, we ought to discountenance it, as far as is in our power."

Here, then, we see the same enlarged and liberal view taken by Mr. Madison, as in the debate on the abolition memorials. To refrain from exercising a constitutional right, though it might operate somewhat partially, was the *last* concession he would make in *such* a case; but he would rather go as far "as we constitutionally can," to vary the practice obtaining under some of the state governments—that is, he would legislate for the purpose of influencing the state governments to abandon the practice of importing slaves; and this, too, upon the "principle" that a majority of the states were opposed to the practice.

What gives still greater force to Mr. Madison's remarks in these cases, as applicable to the subject before us, is, that the same objection, now urged, of the dangerous tendency of congressional action, was urged then. Said Mr. Jackson, of Georgia, in the debate on the abolition memorials—"I apprehend if, through the interference of the general government, the slave trade was abolished, it would evince to the people a disposition towards a total emancipation, and they would hold their property in jeopardy. I hope the house will order the petition to be laid on the table, in order to prevent alarming our southern brethren."

Mr. Madison understood the argument so earnestly urged by the member from Georgia, and stood his ground unmoved by it. He evidently felt the force of the consideration (deeply felt at that day on both sides of the Potomac) that slavery had no

claims on this government for protection beyond the strict letter of the constitution: that the spirit of the constitution, and of all our institutions, was against it; and that, if it took the "pound of flesh," it must take it by the letter of the bond. Regarding it as a question in which the dearest rights of human nature were involved, he was willing, with Franklin, to "step to the very verge of the power" vested by the constitution, to "discountenance" immediately, a trade which that instrument expressly prohibited congress from abolishing prior to the year 1803. How completely do Mr. Madison's arguments, on these occasions, drive the advocates of slavery from their position, that in the mere act of entering the union, there was an "implied faith," that the liberty of speech and of the press should be abridged, and the constitutional jurisdiction of congress over this district essentially restrained, lest their exercise should exert an influence unfavorable to the existence of slavery in this district.*

Mr. Speaker: has it never occurred to you, while considering the claim of an "implied faith," in favor of slavery, to look a little into the matter of implied faith on the other side? It is among the leading grounds of complaint on the part of the South, that the constitutional balance of power, between the slave holding and non-slave holding states is liable to be disturbed by efforts tending to the abolition of slavery. Now, let gentlemen turn this matter round, and look at it from the other side. Did any body dream, at the formation of the constitution, that, within fifty years, there would be four new slave states admitted into the union, from without its original limits? and that there would be, at the expiration of that period, a serious effort made to introduce into it some half a dozen more?—What greater violation of "implied faith" can there be than this? especially when taken in connexion with the state of public sentiment on the subject of slavery at the adoption of the constitution. And yet the south is to be convulsed with a very earthquake, and the union is to be rent asunder, because an attempt is made to banish slavery from the District of Columbia—whereby an influence may possibly be exerted upon the slave states, so as, possibly to make them more willing to abolish slavery, and thus possibly diminish the slave representation in congress!

But there is another view of this matter. When a representation of slave property was provided for, it was done with the express understanding, that this advantage to the South was to be counterbalanced by the indirect advantage to the North, of that provision of the constitution, by which direct taxes were to be apportioned among the several states, upon a ratio of population which, as in the representation in congress, included three-fifths of the slaves; so that while the South should have the advantage of a slave representation, it should be subjected to the corresponding disadvantage of a proportional increase of taxes for the support of government. Now, sir, what has been the practical operation of this arrangement? It has been that, while the South has enjoyed the full and increasing benefit of it,—inasmuch that it has now twenty-five representatives of slave property in congress—the consideration upon which the benefit was conceded, has almost entirely failed. The supposed equivalent has turned out to be no equivalent. But two direct taxes have been assessed since the commencement of the government; and a response to a private call on the treasury department enables me to state, that, of the seven hundred and nineteen millions of receipts into the treasury, from all sources, from the

* It might as well be claimed that the liberty of speech and the press should be abridged on the subject of duelling, as on that of slavery. So far as relates to that liberty, the constitution no more guarantees protection to the one, than it does to the other. Congress may not prohibit duelling in the states, but it may "discountenance" it there, by prohibiting it here.

† Florida will ask admission soon.

4th of March, 1789, to the 31st of December, 1836, but *thirty millions and three quarters* have been the fruit of direct taxation.

One would think that the unexpected increase of slave states, and the manifest advantage (without the expected equivalent) of a slave representation in congress, might have had the effect of moderating southern pretensions, and begetting a little modesty in the tone of urging them. But, Mr. Speaker, although I have long looked for these appropriate and becoming results, I have not been permitted to witness them. In truth, sir, the enjoyment of uncompensated advantages has served only to give an appetite for more; so that we have, at last, come to the point of witnessing, not only a claim that the national "faith" is pledged to protect slavery in the dreaded power of investigation, but a clamorous demand that a foreign *Slave State*, large enough for a future subdivision into half a dozen states, shall be admitted into the Union.

Sir, when such demands are made, it is time we should take a stand upon the constitution as it was understood by its framers, and as it appears when thrown into the strong light of the period which gave it existence. It is time to maintain here, and everywhere, that it was not made to protect slavery; and that nothing is to be implied in favor of it, but that all implications are to be against an institution which declares war against the natural rights of man. It is time to maintain that, excepting the stipulation to deliver up fugitive slaves, and protect the states from domestic violence, the constitution made, neither expressly, nor by implication, any guaranty in favor of slavery; but left it to stand, if it could, or fall if it must, under the power of a *press*, whose freedom that constitution expressly secured. Such, sir, is the true position of slavery under the constitution.

In looking back to the times to which I have been necessarily drawn in an examination of this subject, it is impossible not to feel deeply impressed with the contrast between the Men and Principles of that, and the present period. It is indeed amazing, after having explored the history of the ten or fifteen years preceding the commencement of this government, and considered the principles and acts of that period, to come down to the present time, and look at the pretensions now set up in favor of the institution of slavery. With what astonishment would a man from another hemisphere, unacquainted with our present condition, but familiar with the period of which I have spoken, be struck, on coming among us, and hearing, not only that slavery *continued to exist* in the land of Washington, Jefferson, Franklin, and Madison: but that the Union, formed in the welding heat of the revolution, was actually set up as a shield to protect it from that "scourge of tyrants" a Free Press. Why, sir, look, yourself, at the contrast. Let any man look at it, even from the very midst of slavery, and tell me if he is not amazed and confounded. Fifty years ago, slavery was regarded as an unwelcome and troublesome intruder; to be got rid of as soon as possible. Now it is treated, by many, as an honored and cherished guest. Then, it was a mere tenant at sufferance—Now it claims a fee simple in the soil of freedom. Then, the press was its open and fearless assailant—Now, it demolishes presses, and destroys, or puts in peril, the lives of their conductors. Then, legislative halls rang with bold and fearless denunciations against it. Now, discussions of its "sublime merits" are suppressed by "previous questions" and prohibitory resolutions. Then, it was lashed, as with a whip of scorpions, from one end of the land to the other—Now, it claims to be protected by the arm of this government from all assailants. Then, it was an enemy to liberty—Now, it is *essential to the perfection of free institutions!*

Sir, if the ground now taken in favor of slavery had been taken fifty years ago, it would have sent a thrill of horror through the whole length and breadth of this land. Then, we were fresh from the revolution; with a public sentiment elevated and purified by the vigor-

ous discussions, and generous sacrifices of that contest—Now, we have become rich and mighty; and forgetting the days of our adversity and trial, and the salutary lessons they taught us, we go about to "lengthen the cords, and strengthen the stakes" of slavery. Je-shurun has waxed fat; and the Indians and Negroes are to be "kicked" and trampled, in the loftiness of his spirit, and the pride of his power.

THE THREATENED VETO OF THE PRESIDENT.

I cannot, Mr. Speaker, leave the consideration of objections, without adverting to one other. I speak of it as an *objection*, though, in truth, it may be more properly termed an *obstacle in the way* of the exercise of the power of congress over this subject. I refer to the well known threatened veto of President Van Buren, at the opening of his administration. It was announced in his first official act, that he was "the inflexible and uncompromising opponent of every attempt on the part of congress to abolish slavery in the District of Columbia, against the wishes of the slave holding states." And he added—"no bill conflicting with these views can ever receive my constitutional sanction."

Without dwelling on the unprecedented and alarming fact of a declaration, in advance, by a chief magistrate, that no bill conflicting with certain views which he entertains, can ever receive his sanction, though the constitutional power of passing it, is admitted by him, I will look, a moment, at this threatened veto, in another, and most extraordinary aspect. It seems to me, Mr. Speaker, to introduce into this government a new element, of a very important character—namely, "*the wishes of the slave holding states*." So important is it, that it actually operates, of itself, as an absolute veto on the legislation of both houses of congress.

"*The wishes of the slave holding states!*" And how are these "*wishes*" to be expressed, so as to take effect? Must the legislatures indicate them by resolution? Or may they be expressed by the members of congress, from the *favoured states*? As it may not always be convenient to have the state legislatures convened to decide whether bills which have passed both houses of congress shall become laws, it is presumed that the opinions of the *members of congress* from "the slave holding states" are to be taken as satisfactory evidence of the "*wishes*" of those states. So then, after a bill abolishing slavery and the slave trade in the District of Columbia, shall have been solemnly discussed, and passed both houses of congress, and sent to the president for his signature, what are we to see? Why, a deputation from a secret meeting of the members from "the slave holding states" presenting themselves to His Excellency with a resolution, declaring the bill to be "against the wishes" of those states, and protesting, in their name, against its sanction by him. And what next? Do we see the president *considering* the bill, with a view to a decision whether, upon its *merits*, it ought to receive his sanction? Not at all. The trouble of thus considering has been saved, by an expression of the "*wishes of the slave holding states*;" and the president has nothing to do but to "pocket" the bill, or return it with a veto.

Now, sir, what does all this mean? Is this the government of the constitution? Who ever heard, before, of such a power as this, controlling the legislation of the country? A *minority*, by the mere expression of its "*wishes*," effectually controlling and putting down a *majority*! To what other than the slave holding interest has any human being ever thought of conceding such a power? Are there no other interests in the country which are worthy of being thus consulted? Why, sir, suppose the South should petition for a repeal of the tariff; and the president should say, that he was so *inflexible and uncompromising* in his support of the manufacturing interest, that he would veto any bill which should be passed "against the wishes" of the manufacturing states. What would the South think of him? Would not every man from that section of the country, forthwith put on his spectacles, and look, with *profoundest sagacity*, into every part of the constitution

to see if he could find the power to reject a bill on such grounds?

It should be observed, Mr. Speaker, that the objection, in the form in which it is stated by the president, raises no question of expediency—involves no inquiry into facts—leaves to no reason—weighs no arguments—in fact, *hears no body* but the “slave holding states,” and them, only so far as to ascertain their “wishes.” That being done, the president writes upon this bill—“*infractible and uncompromising opposition*”—and the whole matter is ended! Why, sir, what is this, but a downright alteration of the constitution. That instrument says that congress may legislate, touching the District of Columbia, “in all cases whatsoever.” The president takes up the constitution, and adds—*excepting* where it still be “against the wishes of the slave holding states.” Here, sir, is “*state interposition*” with a vengeance. NULLIFICATION never stood forth in a more naked and odious form than this.

THREATENED DISSOLUTION OF THE UNION.

There is one other obstacle in the way of exercising the power of congress in the case before us, which I must briefly notice. It is not founded on objections drawn from the constitution; for it is, itself, a flagrant violation of it. It rests not upon supposed danger; for it rushes directly to it. It is not based on a love of the union, for it dissolves it, and scatters the fragments to the winds of Heaven. I call it not an *objection*, because that seems to imply some relation to reason and argument, while this, like the threatened veto upon the ground of state “wishes,” has nothing to do with either. And what is this obstacle? Why, sir, it is neither more nor less than this:—If you, the Congress of the United States, dare to abolish slavery and the slave trade in the District of Columbia,—nay, if you do but *entertain the discussion* of it, we will, forthwith, go home and *dissolve the Union*.

Mr. Speaker: I will not treat this subject as the perpetual recurrence of the threat of dissolution would justify. I will resort, neither to ridicule nor defiance, in this matter. But I meet it simply by declaring my utter disbelief that any man, or combination of men, possess the power to bring about a dissolution of this Union. I do not know but a single state might be made mad enough to *leave it*; though I think she would soon become sane enough to return. But, the DISSOLUTION of the Union! That is a very different thing; and the man or men who might move a single state, can no more dissolve this glorious Union, than could the Continent which rests beneath us, be shaken and overturned by the efforts of a pigmy.

Dissolve the Union! Why, sir, THE PEOPLE must dissolve this Union, if it is ever to be dissolved. Men may talk about it here, as though it were a matter of trifling moment, and of easy accomplishment. But, sir, they have not soberly reflected on the subject. They have not considered, that there are spread out over the length and breadth of this land a *people* who do not sympathise, and cannot be made to sympathise, in the angry feelings which prompt the threats of dissolution, almost daily uttered or insinuated here:—a people, the great mass of whom can no more be brought to the point of *giving up the Union*, than they can be persuaded to abandon the graves of their fathers, leave the good land which they have inherited from revolutionary valor and virtue; and move, *en masse*, beyond the farthest mountains of the west. Sir, let a scheme for dissolution be once definitely projected; and let its projectors *come out* with an undisguised exhibition of their design, and they would find *every where* a strength of attachment to this Union which they do not dream of, and which, until such attempt shall be seriously made, can never be fully known.

Dissolve the Union! And for what? Because men and women ask congress to repeal the laws which authorise a part of the people of this district, to hold and sell another part as property? Dissolve the Union, because congress listens to such petitions, and deliberates whether it will grant them? Dissolve the Union, because, in the exercise of its clearly granted powers,

congress proceeds to do, what a large portion of christianity has done within the last fifty years—*take away the protection of law* from the usurpations of slavery; and that, within a territory but ten miles square? Are the *people* going to dissolve this union for such causes as these? *NO—never—never*. Why, sir, if congress should even pass a law abolishing slavery in the states, the people would not, therefore, be so insane as to dissolve the Union. No. They would coolly tell us we had exceeded our powers—appeal to the courts for protection—and quietly wait the result.

I know, sir, the people are liable to be excited; but let the man who shall project a dissolution of the Union, beware of the *direction* which excitement may take on this subject. Let him see to it, that he finds a shelter from the storm; and let him remember, that, from the moment he comes forth the avowed advocate of dissolution, and *moves* towards its accomplishment, he stands out, thenceforth, before Heaven and Earth, the seathed monument of a Nation's indignation, and a Nation's curse.

And now, Mr. Speaker, let me ask, in view of the considerations I have urged, what is the duty of the nation in regard to this great subject? Slavery and the slave trade exist in this district. The protection they once enjoyed under the laws of Virginia and Maryland, has, with the exclusive jurisdiction over this territory, been transferred to the Nation. It is by the Nation's laws, and by them alone, that these violations of the great law of “*natural justice*,” are sanctioned and sustained here. It is by the Nation's laws that men and women are here held as property—that they are sold at auction—that they are collected in droves—confined in “private jails,” and forced away from friends and home, into a distant and hopeless bondage. Yes, sir, THE LAWS OF THIS NATION throw around all these enormities the shield of their protection.

Let me not be told, that there are but few slaves here, and that the nation should not be agitated with so small a matter. It is true there are but about 7,000; and they bear but a small proportion to the 3,000,000 in the whole country. But, sir, if there were but *one*, that one would be entitled to our protection. Suppose that one were the wife or child of one us! How long should we be in finding some lining in the “*golden rule*,” to apply to the case? What a flood of light would be instantly thrown upon it! Every word would be full of meaning. Oh, sir, say not that this is a small matter, when it concerns the “inalienable rights” of *man*. It was a noble sentiment of a heathen poet, who had been himself a slave—*Homo sum; humani nihil a me alienum puto*.

I am a MAN, and nothing which relates to MAN can be foreign to me. Yes, sir; if but one man is enslaved, that man is a representative of the human race, and the whole are wronged in the person of the sufferer.

And now, sir, let us look this subject full in the face. It is not to be put aside, as of inconsiderable importance. It is, in truth, one of the greatest that can be presented to our consideration. Our relation to it throws upon us responsibilities of immense moment. We cannot shake them off. Let us, then, meet them promptly. If we ought not to act, let it be shown. If these evils are to be perpetual here, let it be avowed. If the city that bears the name of WASHINGTON is to continue to be the greatest market for human flesh on the continent, let it be proclaimed to the world in our solemn determination, that the detestable traffic shall continue to be, and shall forever be, protected by the laws of this Great Nation. But if we *thus* determine, let us not stop here. Let us make a decree, which shall paralyze the National Intellect; which shall harden the National Heart; which shall sear the National Conscience—blot out the Declaration of Independence—repeal the Golden Rule—roll back the wheels of time, and shroud our beautiful and beloved country in the night of hopeless ignorance and barbarism. Let us do this, and be *consistent*—consistent, at least in wrong, if we will not be, in maintaining, and carrying out, the noble Principles which have given us a name, and made us a praise, throughout the whole earth.